



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

Operational Instruction

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Overview

Introduction

Policy Statement 1510 – Anti-Harassment Policy (PS 1510) sets forth the Court Services and Offender Supervision Agency's (CSOSA or Agency) commitment to creating and maintaining a work environment free from harassing behavior of any type. It provides guidance by ensuring that appropriate officials are notified of, and have the opportunity to correct harassing behavior promptly. It also provides guidance on addressing harassing behavior and holding employees accountable for harassing behavior at the earliest possible stage, whether the behavior violates the law or other authorities. This Operational Instruction (OI) outlines the steps for notifying officials about harassing behavior and the process for investigating and addressing harassing behavior.

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Overview, Continued

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General Provisions

Agency's Anti-Harassment Program Coordinator

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

Relationship to other processes

The Equal Employment Opportunity (EEO) complaint process and the anti-harassment process are separate and distinct. The former is designed to make individuals whole for discrimination that has occurred and to prevent the recurrence of the unlawful discriminatory conduct. The latter seeks to address and resolve harassing behavior before it ever reaches the level of discrimination, as defined under the anti-discrimination laws. For this reason, the Equal Employment Opportunity Commission (EEOC) stresses the need to maintain separate EEO complaint and anti-harassment processes. Therefore, it is important to note that the anti-harassment process does not affect an employee's right to file an EEO complaint, nor does it alter the required timelines for filing an EEO complaint. Employees may access either or both processes, as discussed later in these procedures.

Avenues for grievances

Employees also may utilize either the Agency's Administrative Grievance Procedures ([see H.R. 771.1](#)) or Negotiated Grievance Procedures if covered by a bargaining agreement.

Confidentiality

All information obtained regarding allegations of harassing behavior is kept confidential and disclosed only on a need-to-know basis, including to conduct an effective investigation. Records relating to harassment complaints are kept confidential and disclosed on the same basis. Managers and supervisors have an obligation to take immediate action regardless of an employee's request for confidentiality or to remain anonymous. Managers and supervisors are to explain that confidentiality is maintained to the greatest extent possible, but all allegations of harassment are investigated.

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General Provisions, Continued

Privacy Act compliance

All offices are responsible for ensuring that all records about allegations of harassment are compliant with the Privacy Act. Privacy Act statements are provided during the investigation to:

- The person at whom the alleged harassment was targeted (the targeted employee);
 - The person alleged to have engaged in the harassment (the alleged harasser); and
 - All witnesses in the investigation.
-

Reporting Harassing Behavior

Introduction

Immediate and appropriate corrective action for harassing behavior can only be imposed when Agency officials are notified or become aware of it. To address harassing behavior at the earliest possible stage, employees and contractors who believe that they have been subject to an incident of harassing behavior in violation of PS 1510, may report allegations, in writing or orally, to any supervisor, management official, and/or the AHC.

Reports made under these 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.

Employee

An employee who believes he or she has experienced harassing behavior is encouraged to tell the individual engaging in that behavior to stop that behavior. However, if the person who has experienced that behavior is uncomfortable with taking that course of action, or if the behavior continues, then he or she is to report the behavior immediately to:

- A management official in her/his supervisory chain of command;
 - Any management official with supervisory authority; and/or
 - The AHC.
-

Non-management employee – As a Witness

Any non-management employee who believes he or she has witnessed harassing behavior directed at others is encouraged to report that behavior to:

- A management official in her/his supervisory chain of command;
 - Any management official with supervisory authority; and/or
 - The AHC.
-

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Reporting Harassing Behavior, Continued

Contractor A contractor who believes he or she has experienced harassing behavior or has witnessed harassing behavior directed at others by a CSOSA employee is encouraged to report the harassing behavior as soon as possible to:

- Any management official in the supervisory chain of command of the person at whom the behavior was directed;
- Any management official with supervisory authority; and/or
- The AHC.

Note: A contractor who believes he or she has experienced harassing behavior by another contractor is to report the harassing behavior as soon as possible to the contractor for whom he or she works.

Harassment allegations involving contractors While the Agency does not have the authority to address harassment of a contractor by another contractor, it is expected that all contractors in CSOSA facilities or performing work for the Agency refrain from engaging in harassing behavior.

Upon being notified about allegations of harassment by a contractor, CSOSA managers, supervisors, or the AHC immediately contacts the appropriate Contracting Officer.

Supervisors and management officials Supervisors and management officials must immediately report to the AHC harassing behavior of any type or allegations of harassing behavior by others regardless of how the supervisors or management officials become aware of the behavior. Failure to report an incident or allegation of harassment may result in immediate and appropriate corrective action, including discipline up to and including removal, being taken against the supervisors and management officials. Supervisors and management officials must report incidents or allegations of harassing behaviour even if the employee requests confidentiality or to remain anonymous.

Management's Response to Report of Alleged Harassing Behavior

Introduction

The Agency has a duty to exercise reasonable care to prevent and promptly correct any prohibited behavior. When an employee reports harassing behavior as defined in PS 1510, the Agency launches a prompt, thorough, and impartial investigation of the alleged harassment. The Agency conducts an appropriate harassment investigation even if an EEO complaint regarding the same reported behavior is pending or being processed by the Agency's Office of Equal Employment Opportunity, Diversity, and Special Programs (OEEOP) or is otherwise being pursued through a separate statutory complaint or grievance process.

The table below identifies the individuals authorized to receive reports and a referral to the appropriate process stage:

Employee reports to:	Proceed to:
Management official in his/her supervisory chain of command	Stage 1
Management official with supervisory authority not within his/her supervisory chain of command	Stage 1
AHC	Stage 3

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Management's Response to Report of Alleged Harassing Behavior,

Continued

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

Stage	What Happens
1	Management Official: <ul style="list-style-type: none">• Receives a report of alleged harassing behavior.• Documents the alleged harassing behavior on the attached intake form (Appendix A).• Informs his or her supervisor, if appropriate, and AHC simultaneously, and within two business days of the report.• Provides AHC with a copy of the intake form.
2	Management Official(s) and the Office of Human Resources (OHR): <ul style="list-style-type: none">• Consider if interim relief is necessary to protect the targeted employee from potential harassing behavior, until an investigation into the matter is complete.• Examples of interim relief include, but are not limited to:<ul style="list-style-type: none">– Issuance of a Cease and Desist Letter;– Temporary reassignment of the alleged harasser to different office/cubicle/location or supervisor; and– Temporary placement of the alleged harasser in telework status.
3	AHC: <ul style="list-style-type: none">• Receives report or becomes aware of alleged harassing behavior.• Notifies the targeted employee and the person who reported witnessing the harassing behavior, if any, about the investigation procedures, confidentiality, and other available avenues of redress indicated above.• Issues a Cease and Desist Letter, if necessary.• Assigns the matter to an OPR investigator.

Investigation

Introduction

OPR begins an investigation within ten (10) days of the Agency receiving a complaint. OPR makes all reasonable efforts to complete a thorough and impartial investigation as promptly as possible and submit the report on the investigation (ROI) no later than sixty (60) days after the initial report was made, absent extenuating circumstances.

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Investigation, Continued

Procedure The table below identifies who is responsible and what happens at each stage of *Investigation*.

Stage	What Happens
4	<p>OPR Investigator:</p> <ul style="list-style-type: none">• Contacts the targeted employee to schedule his/her interview within 3 business days.• Contacts the alleged harasser to schedule an interview, on a case by case basis.• Collects relevant evidence.• Identifies other individuals who may have relevant information and determines whom to interview.• Prepares a ROI and determines whether the allegations of harassment are substantiated or not.• Submits draft ROI for internal OPR and AHC peer review before submission to Senior Director of the Office of Investigations, Compliance, and Audit (OICA).• Submits final draft ROI to Senior Director of OICA for review before submission to OGC.• Submits the ROI to the Office of General Counsel (OGC) for legal sufficiency determination.
5	<p>OGC:</p> <ul style="list-style-type: none">• Conducts a legal sufficiency review.
6	<p>OPR:</p> <ul style="list-style-type: none">• Submits ROI to the management officials and the Office of Human Resources (OHR).• Notifies the targeted employee in writing whether allegations were substantiated or not and refers him or her to OHR and management officials regarding the next steps. <p>Note: The alleged harasser is informed if the allegations were substantiated or not ONLY if the harassing behavior falls under EEO-based harassment.</p>

Action Taken Upon Completion of the Investigation

Introduction

Based on the ROI, the management official(s) determine, in consultation with the AHC and subject matter experts (EEO, Employee and Labor Relations, OHR, OGC, etc.), what immediate and appropriate corrective action, if any, is recommended in the case and take that action, as necessary. These measures should be designed to stop the harassment, correct its effects on the targeted employee, and ensure that the harassment does not recur. These measures need not be those that the targeted employee requests or prefers, as long as they are immediate, appropriate, effective, fair, consistent and ensure accountability. These measures may include training, monitoring and disciplinary action, including removal from federal service.

If a manager or supervisor did not properly execute the responsibilities provided for under the policy and procedures, the AHC refers the ROI to OHR and to the appropriate next, higher-level management official, who determines the immediate and appropriate corrective action, including disciplinary action up to and including removal from federal service, to be proposed against the manager found to have violated the Anti-Harassment policy.

Employees not satisfied with the Agency's resolution may exercise their statutory rights or the negotiated or administrative grievance process.

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Action Taken Upon Completion of the Investigation, Continued

Procedure The table below identifies who is responsible and what happens at each stage of *Action Taken Upon Completion of the Investigation*.

Stage	What Happens
7	<p>Management official(s), and OHR:</p> <ul style="list-style-type: none">• Evaluate the ROI and determines whether immediate and appropriate corrective action, including disciplinary action, is warranted.• Consult as needed with OGC for determination of the recommended immediate and appropriate corrective action.• The immediate and appropriate corrective action depends on the severity and/or pervasiveness of the offense, the action required to end such behavior, the alleged harasser's prior disciplinary and behavior history, and other factors that federal personnel law requires to be considered.• Determine the immediate and appropriate corrective action, including disciplinary action, if any, to be taken, and the timing of that action.• Communicates the immediate and appropriate corrective action, if any, to the alleged harasser and imposes that action upon him/her.
8	<p>OHR :</p> <ul style="list-style-type: none">• Documents the immediate and appropriate corrective action taken and provides AHC and OGC with a closing memorandum setting forth the immediate and corrective action taken, if any, including a decision not to act, and the date on which such action was taken.• Where required, records the immediate and appropriate corrective action in alleged harasser's or manager's official personnel file.
9	<p>OPR/AHC:</p> <ul style="list-style-type: none">• Analyzes OHR and management response to Anti-Harassment complaints and the immediate and appropriate corrective action taken, if any, to ensure fairness, accountability, and consistency, and prepares an annual report about the Agency's response to such complaints.

Filing Claims Under Other Processes

Claims under other processes

Employees may elect to pursue one of the following statutory claims or applicable negotiated grievance procedures for redress. ***Only one avenue of remedy may be pursued.*** If more than one avenue is pursued, the employee will be deemed to have exercised his/her preference for whichever filing occurs first.

- EEO:
 - The employee contacts OEEO at (202) 442-1680 or via [email](#) within forty-five (45) days from the most recent incident of alleged harassment (or personnel action if one is involved), as required by 29 C.F.R. §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:
 - 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 C.F.R. § 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 with [OSC](#) for a complaint of harassing behavior based on marital status or political affiliation.

Management officials who receive notice of an anti-harassment claim regardless of the avenue of such a claim must promptly notify the AHC.

The AHC provides the record of actions taken under these procedures to the office handling a parallel administrative, statutory, or collective bargaining claim.

Appendix A: Anti-Harassment Intake Form

Intake Form,
page 1

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:		
<input type="checkbox"/> I believe I was the subject of harassing conduct by an employee, intern, or contractor.		
<input type="checkbox"/> 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 <u>do not</u> 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.		
<input type="text"/>	<input type="text"/>	
Name (printed)	Signature	

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Appendix A: Anti-Harassment Intake Form, Continued

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):	

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Appendix A: Anti-Harassment Intake Form, Continued

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.		
<div></div>		
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

Appendix A: Anti-Harassment Intake Form, Continued

Intake form,
page 4

Part IV. Documentation		
Select one:		
<input type="checkbox"/> I am attaching documents to this report: (number of pages)		
<input type="checkbox"/> 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
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.		

Appendix A: Anti-Harassment Intake Form, Continued

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____. _____ 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	
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.	