



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

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Memorandum

To: All Bureau of Indian Affairs Employees
All Bureau of Indian Education Employees

From: Darryl LaCounte
Director, Bureau of Indian Affairs

Tony Dearman
Director, Bureau of Indian Education

Subject: Anti-Harassment and Workplace Conduct

The purpose of this policy is to affirm the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE) commitment to achieving the goal of an inclusive and respectful workplace. The Department of the Interior and your Bureau(s) are taking positive steps to prevent unlawful discrimination and harassment in the workplace and to correct any inappropriate conduct that occurs before it becomes severe or pervasive.

Our Agency defines these inappropriate behaviors as follows:

Discrimination: The differential treatment of an individual or group of people based on their race, color, national origin, religion, sex (including pregnancy and gender identity), age (over 40), marital and parental status, disability, sexual orientation, or genetic information.

Retaliation: Taking an action that might deter a reasonable person from participating in activity protected by anti-discrimination and/or whistleblower laws. Protected activity includes: complaining about discriminatory or harassing behavior; disclosing/reporting violations of law, rule, or procedure or fraud, waste, or abuse; and participating in discrimination or whistleblower proceedings. Retaliatory actions are not limited to formal personnel actions such as termination, demotion, non-promotion, or non-selection. Retaliatory actions are broadly defined to include harassing behavior, significant changes to job duties or working conditions, and even threats to take personnel actions.

Anti-Harassment Policy:

It is the policy of the Bureau(s) to promote and maintain a work environment free from harassment, as defined below.

Harassment: Harassment is unwelcome conduct that is based on race, color, religion, sex (gender identity), national origin, age (over 40), disability (physical or mental) or genetic information. Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. "Sexual" harassment is a particular type of harassment that includes unwelcome conduct such as sexual advances, requests for sexual favors or dates, remarks about an individual's appearance, discussions, remarks, or jokes of a sexual nature, and/or other verbal or physical harassment of a sexual nature. Sexual harassment is a type of discriminatory behavior where an individual is subjected to unwelcome verbal or physical conduct that is so objectively offensive as to alter the victim's terms and conditions of employment. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Sexual harassment includes any unwanted sexual advances, requests for sexual favors, or other unwelcome verbal or physical contact of a sexual nature. Offensive conduct that may be considered harassment may include offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or putdowns, offensive objects or pictures, and interference with work performance.

We all must work to ensure our workplace is a professional environment, free from harassment. Employees who believe they are subject to discriminatory behavior should promptly report the behavior to the bureau(s) Office of Equal Opportunity and Civil Rights Programs. Allegations of harassment may also be brought to the attention of your immediate supervisor, an appropriate management official, the Inspector General's Office, Servicing Human Resources Office. Supervisors and Managers must work with their Servicing Human Resources Office, Solicitor, or EEO office to ensure the matter is appropriately handled. Supervisors have the additional responsibility to take action when inappropriate behavior is reported. Supervisors who fail to take timely and appropriate action when warranted maybe subject to disciplinary action.

The following is a list of available resources to support employees and managers:

- The Office of Civil Rights: www.doi.gov/pmb/eoo
- The Office of Inspector General: www.doioig.gov
- The Office of Human Resources: www.doi.gov/pmb/hr
- The Departmental Ethics Office: www.doi.gov/ethics
- The Office of the Solicitor: <https://solicitor.doi.gov/>
- The Office of Collaborative Action and Dispute Resolution: www.doi.gov/pmb/cadr
- The Employee Assistance Program: www.doi.gov/pmb/hr/eap
- Bureau of Indian Affairs Human Resources: <https://iiamabgzucmw02p.ia.doi.net:16200/inside.indianaffairs/Org/ASIA/0HCM/index.htm>
- Bureau of Indian Education Human Resources: <https://www.bie.edu/HR/>
- BIA Office of Equal Opportunity: <http://www.indianaffairs.gov/WhoWeAre/BIA/EEO/index.htm>

Other options and relevant information may be found at:

<https://sites.google.com/a/ios.doi.gov/equal-opportunity-and-workplaceconduct/home>

We must continue to cultivate a professional and harassment free work environment where employees are able to contribute to our mission to provide quality education opportunities and enhance the quality of life and to promote economic opportunity of American Indians, Indian tribes and Alaska Natives.