

**DEPARTMENT OF THE TREASURY
UNITED STATES MINT
WASHINGTON, D.C. 20220**

United States Mint Directive

MD EEOCR-003-2017
April 19, 2017

Anti-Harassment Program

1. **PURPOSE:** This directive sets forth the United States Mint's (Mint) anti-harassment program, policy, and procedures for reporting allegations of harassment.
2. **SCOPE:** This directive applies to all Mint employees. This directive provides additional guidance and supplements any statutory or administrative complaint process covering harassment.
3. **OUTCOME:** A workplace environment free of harassment.
4. **POLICY:**
 - a. It is the policy of the Mint to promote and maintain a work environment free from unlawful harassment, as defined in section 5, and more specifically in Title VII of the Civil Rights Act of 1964. The Mint has a zero-tolerance policy for any form of harassment.
 - b. The Mint will not tolerate harassment in the workplace, or retaliation against anyone who complains of harassment or who engages in a protected activity.
 - c. As much as reasonably possibly (considering necessary investigations and remedies), the Mint will protect the confidentiality of information related to the harassment allegations and the individuals bringing harassment claims.
 - d. Ultimately, the goal of the anti-harassment program is identify, remedy and prevent harassing conduct before it can become "severe and pervasive."
5. **DEFINITIONS:**
 - a. Harassment. The Equal Employment Opportunity Commission (EEOC) defines harassment as "unwelcome conduct that is based

on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.” See eeoc.gov/laws/types/harassment/cfm. Harassment is unlawful when:

- (1) Enduring the offensive conduct becomes a term or condition of continued employment, or
- (2) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive
- (3) It is conducted in retaliation for engaging in protected activity, as defined below.

Among the types or examples of unwelcome conduct prohibited by this policy include, but are not limited to:

- Epithets, slurs, stereotyping or threatening, intimidating, or hostile acts that relate to race, color, religion, sex, national origin, age, disability, sexual orientation or parental status, or to an individual’s protected activity;
- A practice or repeated instances of jokes, pranks that are hostile or demeaning and are based on an individual’s protected group status; and
- Circulating or posting on walls, bulletin boards or other locations of written or graphic material that degrades or shows hostility or aversion toward an individual or group because of their protected status.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

- b. Protected Activity. Protected activity includes participating in the equal employment opportunity (EEO) complaint process as an aggrieved individual or witness, participating in an investigation, proceeding or lawsuit under Title VII, or opposing employment practices that they reasonable believe discriminate against individuals in violation of Title VII.
- c. Retaliation. Retaliation, also referred to as reprisal, is the taking of any adverse action against an individual because of his or her prior protected activity.

6. **RESPONSIBILITIES:**

a. Mint employees are responsible for:

- (1) Acting professionally and refraining from engaging in harassing conduct;
- (2) Becoming familiar with the provisions of this directive and complying with its requirements; and
- (3) Promptly reporting any incidents of harassing conduct to a supervisor, manager (within or outside their chain of command), or to their local EEO Office. The Mint can correct harassing conduct only if it is aware of the behavior.

Any employee who wishes to file an EEO complaint must contact their local EEO office within 45 days from the date of the alleged harassing incident. Employees who make reports of discriminatory harassment will be informed of their right to seek counseling from their local EEO Office.

b. Managers and supervisors are responsible for:

- (1) Receiving allegations of harassment from employees and informing those employees of their right to contact their local EEO office.
- (2) Reporting the allegations to their local EEO office as soon as possible, but no longer than three business days after hearing of the allegation(s).
- (3) Working with the local EEO specialist/manager and, when prudent, the Office of Chief Counsel, to determine what steps should be taken to promptly and thoroughly conduct an impartial investigation, provide appropriate interim relief, as necessary during the investigation, and prevent the harassment.
- (4) Taking prompt and appropriate action to stop any further harassment or retaliation in the workplace.

Mint supervisors and managers may be held liable for the action of their employees. For example, if an incident is reported to a supervisor or manager, he or she has a duty to follow up on the incident to prevent, or investigate and correct, any harassment. If a supervisor or manager fails to do so, the agency may be held liable—and the supervisor or manager may be disciplined—for failing to keep the workplace free of harassment.

c. Local EEO Specialists/Managers are responsible for:

- (1) Consulting with the Diversity Management and Civil Rights (DMCR) Office and the Office of the Chief Counsel regarding the Mint's legal responsibility and liability;
- (2) Providing the DMCR Office information on the status of all allegations of harassment; and
- (3) Consulting with the DMCR Office and the Office of the Chief Counsel regarding the appropriate interim relief for alleged victims of harassment, pending the outcome of an inspector general investigation, management inquiry or administrative investigation to ensure that further harassing conduct does not occur.

d. The DMCR Office is responsible for:

- (1) Ensuring that this directive is available and accessible to all Mint employees;
- (2) Consulting with the Office of the Chief Counsel regarding the appropriate interim relief for alleged victims of harassment, pending the outcome of an inspector general investigation, management inquiry or administrative investigation to ensure that further harassing conduct does not occur;
- (3) Consulting with the Office of the Chief Counsel regarding the Mint's legal responsibility and liability;
- (4) Informing Mint senior leadership on a "need to know" basis of the allegations of harassment and the resolution of those allegations under this directive;
- (5) Providing technical assistance and support to the Mint to ensure compliance with this directive;
- (6) Ensuring that, when warranted, prompt, thorough, and impartial management inquiries or administrative investigations into allegations of harassment are conducted pursuant to Mint-wide Policy Memorandum HR-39, Management Inquiries, and Mint-wide Policy Memorandum DIR-24, Administrative Investigations; or, when warranted, that the matter is referred to the Office of the Inspector General.
- (7) Recommending and/or providing training to all employees as

it relates to the prevention of unlawful harassment.

7. **CRITICAL REQUIREMENTS:**

- a. The Mint will not tolerate harassment (as defined in Section 5) by anyone in the workplace (including supervisors, co-workers, or non-employees).
 - b. As much as reasonably possible, (considering necessary investigations and remedies) the Mint will protect the confidentiality of information related to the harassment allegations and the individuals bringing the harassment claims.
 - c. The Mint will not tolerate retaliation for participation in a protected activity (as defined in Section 5).
 - d. A Mint employee or applicant who believes that he or she has been subject to unlawful harassment should report the matter to a manager, supervisor or local EEO specialist/manager before it becomes severe or pervasive.
 - e. The manager, supervisor or local EEO specialist/manager who receives the complaint must report it as outlined in Section 6, and take necessary steps to ensure that the matter is properly investigated (either by the IG, a Management Inquiry or Administrative Investigation) and then remedied.
 - (1) Examples of measures that can be used to correct the effects of harassment may include: restoration of leave taken because of the harassment, expungement of negative evaluations in employee's personnel file that arose from the harassment, reinstatement, apology by the harasser, monitoring treatment of employee to ensure that he or she is not subjected to retaliation by the alleged harasser or harasser, or by others in the workplace because of the complaint, and correction of any other harm caused by the harassment.
 - (2) Examples of measures to stop the harassment and ensure that it does not recur may include: oral or written warning or reprimand, transfer or reassignment, demotion, suspension, removal, training or counseling of harasser to ensure that he or she understands why his or her conduct violated the employer's anti-harassment policy, and monitoring of harasser to ensure that harassment stops.
- a. Any employee found to have violated regulations or policies regarding harassment shall be appropriately disciplined. Disciplinary action may range from a reprimand up to removal,

depending on the circumstances of each individual case. Further, management should ensure that the harassing conduct is eliminated whether or not it violates the law.

- b. Filing Statutory or Administrative Complaints or Negotiated Grievances. Reporting an allegation of harassment under this directive does not satisfy the requirement of filing an EEO complaint or union grievance. It does not delay or stay the time limits for initiating these procedures. An employee who chooses to pursue statutory, administrative, or collective bargaining remedies for unlawful harassment may elect one of the available forums as follows:
 - (1) Bargaining unit employees may file a written grievance under the negotiated grievance procedures in accordance with the provisions of the Collective Bargaining Agreement.
 - (2) Non-bargaining unit employees may file a written Administrative Grievance in accordance with Mint Directive 771.A (August 2008).
 - (3) To file an EEO complaint, an employee must contact the local EEO office within 45 calendar days of the most recent alleged incident of harassment.
 - (4) To file an appeal to the Merit Systems Protection Board (MSPB), a written/on-line appeal must be filed with the Board within 30 days of the effective date of an appealable adverse action.

Contacting an EEO counselor will not preclude an employee from subsequently filing a grievance (negotiated or administrative) or an MSPB appeal. However, if one decides to file a complaint, an employee must elect to file either a formal EEO complaint or a grievance, but not both. In addition, an employee may not pursue both a formal EEO complaint and an MSPB appeal. If an EEO complaint is filed after a grievance or MSPB appeal has been filed on the same matter, it will be dismissed.

8. **AUTHORITY:**

- a. Title VII of the Civil Rights Act of 1964, as amended, Age Discrimination in Employment Act of 1967, as amended, and The Rehabilitation Act of 1973, as amended.
- b. EEOC Enforcement Guidance: *Vicarious Liability for Unlawful Harassment by Supervisors* (915.002) (June 19, 1999).

- c. Title 5, United States Code, Section 2302, "Prohibited Personnel Practices."
 - d. United States Department of the Treasury, Human Resources Issuance System, Chapter 900-008, and Transmittal Number TN-08-005, "Procedures for Addressing Allegations of Discriminatory Harassment," dated June 10, 2008.
9. **CANCELLATION:** Mint Directive 1614-002, "Prevention of Unlawful Harassment," dated September 2013
10. **DOCUMENT REVIEW DATE:** April 30, 2022.
11. **RESPONSIBLE OFFICE:** Diversity Management and Civil Rights Office.