



Policy Statement on the Prohibition of Harassment

The Broadcasting Board of Governors (“BBG” or “Agency”) hereby adopts a zero-tolerance Policy regarding all forms of discrimination and all forms of harassment, including but not limited to hostile work environment. This zero-tolerance Policy means that no form of unlawful discrimination, harassment or harassing conduct by or toward any employee, contractor, director, manager, supervisor, vendor, or other person in our workplace will be tolerated. BBG is committed to enforcing this zero-tolerance harassment Policy at all levels within the Agency.

SCOPE OF THIS POLICY

This policy protects all Agency employees, contractors, directors, managers, supervisors, vendors, or other persons in the Agency’s workplace (collectively “covered persons”).

This Policy prohibits all forms of harassment, harassing conduct, and discrimination. It is unlawful to harass or discriminate against based on legally protected characteristics. Accordingly, the Agency hereby prohibits harassment and all forms of discrimination based sex, age, disability, perceived disability, genetic information, marital status, sexual orientation, race, color, religion, national origin, veteran status, or any other legally protected characteristic. In addition to those specific legally protected characteristics mentioned above, the Agency prohibits harassment and all forms of discrimination based on personal appearance.

It is also unlawful to retaliate against a covered person for filing a discrimination complaint or charge, testifying, or participating in any investigation, proceeding, or lawsuit under the laws listed below, or for opposing employment practices that the covered person reasonably believe discriminate against individuals, in violation of Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967 (ADEA), or the Americans with Disabilities Act of 1990 (ADA), the ADA as amended.

HARASSMENT DEFINITION

Unlawful harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). It is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful when: 1) enduring the offensive conduct becomes a 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.

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 could be intimidating, hostile, or offensive to reasonable people. Offensive conduct may include, but is

not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The harasser may be any BBG employee, contractor, director, manager, supervisor, vendor, or any other person in the Agency's workplace. A person affected by the harassing conduct may file a complaint even though the unlawful conduct was not intended to have an effect on them.

Anti-discrimination laws also prohibit harassment or retaliation against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

CONDUCT PROHIBITED BY THIS POLICY

All Agency employees, contractors, directors, managers, supervisors, vendors, and all other persons in the Agency's workplace, are prohibited from harassing any and all other Agency employees, contractors, directors, managers, supervisors, vendors, or other persons in the Agency's workplace, whether or not the incident(s) of harassment occur on the Agency's premises or whether or not the incident(s) occur during work hours.

PROCEDURES

If a covered person believes that he or she has been subjected to harassment, or a hostile work environment, he or she may address the incident directly and immediately to the harasser, if possible. If the harassment does not cease, or if the covered person is unable to, does not wish to, or is uncomfortable addressing the alleged harasser directly, the covered person should report the incident to his or her supervisor, or alternatively the Office of Management Services (OMS) Director.

It is important to report any and all incidents that may be harassment to a BBG manager or supervisor, or the OMS Director. Management must be made aware of the incident so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from reoccurring or continuing.

BBG managers and supervisors must act expeditiously and fairly when they receive an allegation involving harassment or hostile work environment, regardless of whether or not the claim of harassment is within their department or area of supervision or whether or not there is a written or formal complaint.

When the OMS Director receives a complaint alleging harassment, the Director ensures that the investigation process is managed appropriately. The OMS Director will ensure the appropriate department head (OHR, OHR/LER, OCR, or otherwise) will be notified immediately. The appropriate department head will ensure an investigator meets with both the



individual filing a complaint or alleging that an incident of harassment occurred (the “Complainant”) and the accused individual (the “Respondent”), as well as any witnesses. The OMS Director may also: provide guidance on BBG’s harassment policy and procedures for conducting any investigation; explore informal means of resolving harassment complaints; notify appropriate law enforcement officials if criminal acts are alleged; and inform relevant parties that an investigation will take place to determine if Agency policy has been violated, which will result in a written report.

Responsibility for BBG managers and supervisors to act expeditiously and fairly investigate all allegations of harassment is separate from the Equal Employment Opportunity (EEO) complaint process, managed by the Office of Civil Rights (OCR). Investigations into claims of harassment must proceed regardless of whether the employee has or will engage the EEO complaint process. Covered persons may engage the EEO complaint process at any time, regardless of whether a separate management investigation is on-going. However, please note that, allegations of discriminatory harassment must be raised with an EEO Official within OCR *within 45 calendar days* of the date the most recent incident occurred. OCR may be contacted at (202) 382-7800 or via email at ocr@bbg.gov.

ENFORCEMENT

Any and all covered persons who violate this policy are subject to appropriate discipline, or contract termination in the case of a contractor. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. Except that, for supervisor or managers who retaliate against employees in violation of this policy, the minimum discipline for a first offense is a three day suspension, and the minimum discipline for a second offense is removal. The discipline for very serious or for repeat violations is termination of employment or contract with BBG and removal from Federal Service. Persons who violate this policy may also be subject to civil damages in civil court or criminal penalties in criminal court.

This policy shall not be used to bring false charges against any covered person. Those bringing such charges may be subject to disciplinary action. Failure to prove a complaint, does not itself constitute a false complaint.

CONFIDENTIALITY

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. However, the identity of the Complainant is usually revealed to the Respondent and Witnesses. All supervisors and managers are required to take appropriate and adequate steps to ensure that the Complainant is protected from retaliation to the extent possible.

