

Supervisor Responsibilities Under the USDA Anti-Harassment Program

When harassment is suspected, supervisors should contact the AMS Anti-Harassment Coordinators. This document offers guidance to supervisors on their responsibilities and required reporting timelines under Departmental Regulation (DR) 4200-003, *Anti-Harassment Program*. **Supervisors are required to report sexual harassment or any threat of or actual assault complaints within 1 day and all other harassment complaints to the Anti-Harassment Coordinators within 3 days.**

Report Harassment at: AMS.StopHarassment@usda.gov

Individual AMS Anti-Harassment Coordinator contact information:

- Lawrence McNamee, lawrence.mcnamee@usda.gov, 202-748-2819
- Lisa Fritz, lisa.fritz@usda.gov, 731-431-7564

Reporting Allegations of Harassment

Managers and supervisors must complete four actions when they become aware of or receive a reported allegation of harassment or retaliation. These actions must be completed within 1 business day for all reports of sexual assault or sexual harassment, and 3 business days for all other reports of non-sexual harassment or bullying.

1. Contact the AMS Anti-Harassment Coordinators at AMS.StopHarassment@usda.gov and your Labor Management and Employee Relations Specialist to report the allegation of harassment.
2. Document the allegation in writing and acknowledge receipt of the report to the reporting party.
 - Sample text is available at the end of this document.
3. Take immediate action to prevent or stop harassing behavior. Depending on the situation, this could include verbally instructing employees to stop the behavior or temporarily separating employees. The actions taken will depend on the severity and the circumstances of the conduct alleged. Managers should consult with their Labor Management and Employee Relations Specialist to determine appropriate actions.
 - Management is required to report all allegations of assault or violence (both sexual and non-sexual) to law enforcement.
4. Provide the reporting party and the affected person (who may or may not be the same as the reporting party) with information on how to contact the servicing Civil Rights Office and a referral to the Employee Assistance Program.
 - Sample text is available at the end of this document.

No individual will be adversely affected in their employment because they reported alleged harassment. Mission Area, agency, and staff office leadership will not retaliate against employees who experience, oppose, identify, allege, report, or participate in investigations or inquiries regarding

allegations of harassment, as per DR 4200-003 and DR 4070-735-001, *Employee Responsibilities and Conduct*.

Assessing Potential Harassing Behaviors

The information below is intended to provide you with an understanding of what harassment is under DR 4200-003. Managers and supervisors must report any and all allegations of harassment to the AMS Anti-Harassment Coordinators. The Anti-Harassment Coordinators will assess allegations of harassment and conduct initial inquiries to make a preliminary determination if the alleged conduct comes within the definition of harassment as defined in DR 4200-003 and the Secretary's *USDA Anti-Harassment Policy Statement*.

For purposes of the Anti-Harassment Program, harassment (including bullying) may include any conduct that is offensive, hostile, abusive, demeaning, insulting, tormenting, threatening, or intimidating. Harassment may be verbal, non-verbal, written, or physical conduct.

The difference between harassment and non-harassment in the workplace can be difficult to define. In many instances, an employee's conflict with coworkers or supervisors may not be harassment. However, conflict can escalate into harassment if not properly resolved. Supervisors have a responsibility to address conflict in the workplace and should consult with their Labor Management and Employee Relations Specialist for assistance in addressing individual workplace issues, including conflicts over performance issues.

The behaviors listed below are examples of what is and is not considered harassment under DR 4200-003 (unless alleged as part of a pattern of harassing behavior or as retaliation for reporting or opposing harassment or discrimination).

Harassing Behaviors

- Threatening that rejection of sexual overtures will affect appointments, promotions, transfers, or evaluations or affect any other employment-related actions
- Making sexually suggestive comments or gestures, including offensive comments, jokes, or suggestions about an employee's gender or displaying nude or sexually suggestive objects, pictures, images, or cartoons
- Belittling persons based on protected characteristics, including repeated jokes, teasing, mimicking, or commenting on an individual's protected characteristic
- Retaliating against an employee who raises a harassment allegation
- Bullying, intimidating, or threatening behavior

Non-Harassing Behaviors

- Minor slights or annoyances
- Normal stress associated with work

- Minor disagreements with coworkers
- Disagreement with a supervisor's instruction or policy
- Objective and constructive feedback about work performance
- Changes in work assignments or work schedules
- Discipline for misconduct, performance-based actions, or other administrative action taken for a legitimate, non-discriminatory reason
- Being required to cooperate in an official inquiry or investigation
- Being accused of harassment or misconduct by another employee

Reports limited to the non-harassing behaviors listed above, a single non-severe occurrence, or other issues or allegations that do not rise to the level of harassment, as defined in DR 4200-003 and the *USDA Anti-Harassment Policy Statement*, will usually be closed by the Anti-Harassment Coordinator and referred to the appropriate management official to address the conflict through assistance of conflict management and prevention specialists who are ADR trained, and to their Labor Management and Employee Relations Specialist to assist in mitigating or resolving the conflict.

Resources

[AMS Anti-Harassment Policy | Agricultural Marketing Service](#)

[USDA Anti-Harassment Policy Statement](#)

[Anti-Harassment Program | USDA](#)

[Anti-Harassment Procedure Manual | USDA](#)

Sample Text for Communications with Employees

When the Report of Harassment is Received in Writing

I have received your report of harassment on [date] concerning [name of alleged harasser]'s behavior occurring on [date range], and I forwarded it directly to the AMS Anti-Harassment Coordinators and Labor Management and Employee Relations Specialist. If you are contacted by the Anti-Harassment Coordinators for more information, please respond to them promptly.

The AMS Anti-Harassment Coordinators will keep all information obtained regarding allegations of harassing behavior confidential and disclose information only on a need-to-know basis.

You have a right to initiate an EEO complaint within 45 calendar days of the alleged harassment by contacting your Mission Area, agency, or staff office EEO Counselor. Information on contacting EEO Counselors within the AMS Civil Rights Office is available at: <https://www.ams.usda.gov/about-ams/programs-offices/office-civil-rights>. You may pursue both an Anti-Harassment Program claim and an EEO claim at the same time.

I also wanted to advise you that the Agency provides assistance to employees and their family members through the Employee Assistance Program (EAP). EAP services are free and accessible 24 hours a day, 7 days a week, to provide confidential help with work, family, or other personal matters. You can reach the EAP at 1-800-222-0364 (TTY 1-888-262-7848) or online at www.foh4you.com.

When the Report of Harassment is Received Verbally

In our discussion on [date], you described events to me concerning [name of alleged harasser]'s behavior occurring on [date range]. I have provided information about our conversation directly to the AMS Anti-Harassment Coordinators and Labor Management and Employee Relations Specialist. If you are contacted by the Anti-Harassment Coordinators for more information, please respond to them promptly.

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I also wanted to advise you that the Agency provides assistance to employees and their family members through the Employee Assistance Program (EAP). EAP services are free and accessible 24 hours a day, 7 days a week, to provide confidential help with work, family, or other personal matters. You can reach the EAP at 1-800-222-0364 (TTY 1-888-262-7848) or online at www.foh4you.com.

About this Document

This document was prepared by the Compliance, Audit, Risk & Safety Division (CARS). For questions, please contact AMS.StopHarassment@usda.gov.