



Factsheet about Workplace Harassment

What is harassment?

Harassment is any form of behavior that:

- You do not want (unwanted);
- Demeans, threatens, offends, humiliates or intimidates you; and
- Creates a hostile environment.

Unlawful harassment is the same type of conduct, but is also a form of discrimination that violates one or more of the protected categories under Title VII of the Civil Rights Act of 1964 and other federal authority. The protected categories are:

- Race
- Color
- National Origin
- Religion
- Age (over 40)
- Disability (mental or physical)
- Sex (including pregnancy and gender identity)
- Genetic Information
- Retaliation

Harassment becomes unlawful when:

- 1) The offensive conduct becomes a condition of employment (examples of actions include demotion, termination, failure to promote, unwarranted discipline, etc); or
- 2) The conduct is severe or pervasive enough to create a hostile work environment (examples of actions may include physical contact that involves intimate touching, humiliating a person through gestures, sarcasm, insults and criticism in front of co-workers, management or customers, sabotaging a person's work, etc.)

Harassment also covers a wide range of conduct than unlawful harassment. It is unwelcome verbal, visual, physical, or other conduct based not only on the above-referenced protected categories, but sexual orientation, marital status, political affiliation, status as a parent, retaliation for making a good faith allegation of harassment under NARA's Anti-Harassment Policy, or any other reason, that makes an individual feel devalued, embarrassed, offended, aggravated, intimidated, humiliated, insulted, ridiculed, or afraid.

Examples of verbal, visual, and physical conduct may include:

Verbal

- Derogatory remarks
- Spreading gossip
- Bullying

Visual

- Social media
- Email
- Posters

Physical

- Threatened assault
- Grabbing
- Punching

Under NARA's Anti-Harassment Policy, harassing conduct does not need to rise to the level of being severe or pervasive for it to constitute misconduct, and may be subject to corrective and disciplinary action at any level. It is NARA's goal and intention to stop any harassment before it gets severe or pervasive.

Can harassment occur outside of NARA?

Yes. Harassment outside of the workplace may be illegal if there is a link with the workplace. For example, if a supervisor harasses an employee while driving or riding in the same vehicle to a meeting.

Who can be a harasser?

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, a non-employee such as visitor or contractor.

What is Not workplace harassment?

Legitimate and reasonable management actions such as actions taken to transfer demote, and discipline an employee provided these actions are conducted in a reasonable way are not considered workplace harassment. Also, while the anti-discrimination statutes are not a general civility code, Federal law does not prohibit simple teasing, off-hand comments, or isolated incidents that are not extremely serious. Rather, the conduct must be so objectively offensive as to alter the conditions of the individual's employment.

What do if you are harassed or witness harassment?

If you believe you have been subjected to workplace harassment, there are a number of forums open to you. Incidents of harassment should be reported to:

- A supervisor – The supervisor is the first point of contact. If the supervisor is the harasser, then report it to a management official in the chain of command. The supervisor or management official will report the matter to the Ad Hoc Committee on Harassment.
- The Office of Equal Employment Opportunity Programs - If you wish to file an EEO complaint alleging discrimination and/or harassment within **45 calendar days** of the date of incident(s).
- Employee Relations - If all or part of the complaint is pursued under the negotiated grievance procedure covering bargaining unit employees, a grievance must be filed within **20 days** of the alleged incident, or **20 days** after the grievant becomes aware of the alleged incident.
- Union Official - If you desire assistance in the EEO and grievance processes.
- Office of Inspector General - If you believe harassment is in connection with fraud, waste, abuse, or mismanagement.
- Ad Hoc Committee on Harassment – If you wish to report incidents of harassing conduct/behavior.

For more detailed information on making a complaint, refer to NARA 396, Anti-Harassment Policy.

“Promoting a Healthy Work Environment is
Everyone’s Responsibility”