

## Chapter 5 – Equal Employment Opportunity

### PREVENTION OF UNLAWFUL HARASSMENT

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1. **PURPOSE**: This directive establishes the United States Mint’s policy and guidelines for behavior involving unlawful harassment.
2. **SCOPE**: This directive applies to all United States Mint employees.
3. **OUTCOME**: A workplace environment free of harassment.
4. **DEFINITIONS**:
  - a. **Harassment**

Harassment violates federal law when it involves discriminatory treatment on the basis of race, color, sex (with or without sexual conduct), religion, national origin, age (40 or older), disability (mental or physical), or protected activity under the anti-discrimination statutes that culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment.

    - 1) The Treasury Department also prohibits same-sex discrimination, and discrimination based on parental status, sexual orientation, and genetic information. Therefore, harassment involving these forms of discrimination is also prohibited.
    - 2) Federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not “extremely serious.” Rather, the conduct must be “so objectively offensive as to alter the conditions of the victim’s employment.” The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment.
  - 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 of a harassment claim, or opposing harassment.
  - c. **Retaliation**

Retaliation, also referred to as reprisal, is the taking of any adverse action against an individual because of his or her prior participation in the EEO process or opposition to discriminatory practices.
5. **POLICY**:
  - a. Harassment is illegal and therefore prohibited at the United States Mint.

- b. The United States Mint will not tolerate harassment in the workplace or retaliation against anyone who complains of harassment or who participates in an inquiry or investigation.
- c. The confidentiality of harassment allegations will be protected to the extent that the need to investigate them permits.

## 6. **RESPONSIBILITIES:**

- a. United States Mint Employees are responsible for:
  - 1) Reporting harassment to the Diversity Management and Civil Rights Office and/or their local EEO Office.
  - 2) Reporting to their supervisors any behavior that might lead to harassment or allegations of harassment.
  - 3) Taking advantage of, and cooperating with, any preventive or corrective opportunities provided by the United States Mint to prevent or correct harassment (e.g., talking to EEO; utilizing the dispute resolution program).
- b. United States Mint Supervisors:
  - 1) Are responsible for—
    - a) Encouraging employees to avoid or limit any activity or behavior that could lead to harassment.
    - b) Exercising reasonable care to prevent, promptly inquire into or investigate, and correct or address any allegation of harassing behavior.
  - 2) May be held responsible 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 manager or supervisor fails to do so, the agency can be held liable—and the supervisor or manager can be disciplined—for failing to keep the workplace free of harassment.
- c. The Diversity Management and Civil Rights Director is responsible for:
  - 1) Ensuring that the United States Mint adheres to the anti-harassment policy by utilizing the complaint resolution procedures to assure that complaints will be handled impartially.
  - 2) Ensuring prompt, thorough, and impartial inquiries into allegations of harassment.
  - 3) Recommending and/or providing training for all employees as it relates to EEO and prevention of harassment.

**7. CRITICAL REQUIREMENTS AND PROCEDURES:**

- a. The United States Mint will not tolerate harassment by anyone in the workplace, supervisors, co-workers, or non-employees on the basis of race, color, religion, national origin, sex (with or without sexual conduct) (same sex), age, disability (mental or physical), parental status, sexual orientation, and discrimination based on genetic information. Nor will the United States Mint tolerate harassment based on opposition to discrimination or participation in the EEO complaint process.
- b. The United States Mint will protect the confidentiality of harassment allegations to the extent possible. This information will be shared with only those who need to know.
- c. The United States Mint will not tolerate retaliation against anyone who complains of harassment or who participates in inquiries or investigations.
- d. All allegations of harassment will be promptly and thoroughly investigated and addressed or corrected.
  - 1) Examples of measures that can be used to correct the effects of unlawful 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 s/he is not subjected to retaliation by the harasser or 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, reduction of wages, suspension, discharge, 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.
- e. Any employee found to have violated regulations or policies regarding harassment shall be appropriately disciplined. Disciplinary action may range from a reprimand to removal, depending on the circumstances of each individual case.

**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.
- b. EEOC Enforcement Guidance For Employer Liability (915.002)

**9. DOCUMENT REVIEW DATE: September 2017**

10. **RESPONSIBLE OFFICES**: Diversity Management and Civil Rights Office,  
Workforce Solutions Department