

United States Department of the Interior
Fish and Wildlife Service
Washington, D.C. 20240

In Reply Refer to:
FWS/ABHR/HR/DCR/031357

July 10, 2007

Memorandum

To: All Service Employees

From: Acting Director /s/ Ken Stansell

Subject: Service Policy on Harassment and Zero tolerance

It is the policy of the U.S. Fish and Wildlife Service (Service) to provide employees with a work environment that is free from harassment of all kinds. The Service prohibits employment-related harassment on the basis of race, color, religion, age, disability, national origin, reprisal, sex (whether or not of a sexual nature) or sexual orientation, and genetic information.

Harassment on-the-job can take place in a variety of forms. Unlawful workplace harassment is defined as **any unwelcome verbal or physical conduct that is so objectively offensive as to alter the victim's terms and conditions of employment. A hostile work environment results from harassment that is so sufficiently severe or pervasive that it unreasonably interferes with an employee's work performance or creates an intimidating, abusive, or offensive work environment.** Anyone, including a management official, co-worker, or a non-employee can commit workplace harassment.

Examples of actions that may result in hostile work environment harassment include, but are not limited to:

- Use of racially derogatory words, phrases, or epithets.
- Demonstrations of a racial or ethnic nature, such as gestures, pictures, or drawings that would offend a particular racial or ethnic group.
- Comments about an individual's skin color or other racial/ethnic characteristics.
- Negative comments about an employee's religious beliefs.
- Negative stereotypes regarding an employee's birthplace or ancestry.
- Negative stereotypes regarding an employee's age when referring to employees 40 and over.

- Derogatory or intimidating references to an employee's mental or physical impairment.

In reference to sexual harassment, the Equal Employment Opportunity Commission provides the following definition:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;**
- 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or**
- 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”**

Examples of sexual harassment include, but are not limited to:

- Making offensive remarks about an employee's appearance, clothing, or specific body parts;
- Pressure for social interaction (dating) outside of the workplace;
- Physical contact in a manner that may make an employee feel uncomfortable, such as bumping up or brushing against the person, kissing, pinching, grabbing, poking, patting, stroking, massaging, hugging, etc.;
- Telling sexual jokes, whistling, asking probing questions about personal sexual habits, throwing kisses, etc.;
- Non-verbal actions that may make an employee feel uncomfortable, such as leering or staring; and
- Displaying material of a sexual nature, such as cartoons, graffiti, reading materials, calendars, pictures, t-shirts, posters, etc.

Employees should report any harassment immediately to their servicing Diversity and Civil Rights (DCR) or Human Resources (HR) office, their immediate supervisor, or an appropriate management official. Allegations of any type of harassment cannot be ignored. Once the Service is made aware of a report, it must be taken seriously and management must immediately take appropriate action. It is also important for employees to be aware that once an issue of harassment (particularly sexual harassment) is made known to DCR, HR, or management, an inquiry must be initiated and completed. Any action taken to resolve and address issues of harassment will be confidential and retaliatory action against an employee who raises a claim of harassment will not be tolerated. Any employee found to have participated in harassment of any kind will be subject to appropriate administrative or disciplinary action, which may include removal from federal service.

If you have any questions or require additional information on the Service's policy on Harassment and Zero Tolerance, contact your servicing DCR or HR office, or the Branch of Diversity and Civil Rights, Washington Office, at (703) 358-1724.