

September 7, 2011

MEMORANDUM TO ALL DEPARTMENT EMPLOYEES

SUBJECT: Anti-Harassment Policy Statement

The Department of Education's (ED's) Anti-Harassment Policy Statement reaffirms our commitment to prohibiting sexual and nonsexual harassment in the workplace. Each employee, applicant, and contractor, as well as anyone doing business with ED, is entitled to be treated with dignity and respect and has the right to work in an environment that is free of harassment. Therefore, ED has implemented a zero tolerance policy for discrimination and harassment on the basis of race, color, age, national origin, sex, gender identity, religion, disability, genetic information, sexual orientation, marital status, political affiliation, or status as a parent,¹ or as reprisal for prior Equal Employment Opportunity (EEO) activity.

Harassment is any unwelcome, hostile, or offensive conduct taken on the basis of race, color, age, national origin, sex, gender identity, religion, disability, genetic information, sexual orientation, marital status, political affiliation, or status as a parent, or as reprisal (for prior EEO activity), that interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of one's employment; or (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or (3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.

All employees shall be responsible for acting professionally and refraining from harassing conduct. Violations of the law prohibiting discrimination and harassment, or violations of this policy, may result in disciplinary action, up to and including termination. Employees who believe that they have been subjected to discrimination and/or harassment, including sexual harassment, can report the incidents to anyone in their supervisory chain of command. Employees also may report allegations of harassment to the Office of Management, Equal Employment Opportunity Services (EEOS) at (202) 401-3560, or by e-mail at OM_EEOS@ED.GOV.

If you wish to file an EEO complaint alleging discrimination and/or harassment, you should report the incident(s) within 45 calendar days of the date of the incident(s) to the EEOS. For

¹ Anti-discrimination laws enforced by the Equal Employment Opportunity Commission (EEOC) do not specifically prohibit discrimination based on sexual orientation, gender identity, status as a parent, marital status, or political affiliation. However, ED has an internal policy that permits employees to raise such complaints with EEOS.

additional information on the EEO complaint process contact EEOS at the e-mail address or phone number provided above.

In accordance with the U.S. Equal Employment Opportunity Commission's regulations and guidelines, and the Administrative Dispute Resolution Act of 1996, ED promotes the use of the alternative dispute resolution process to resolve workplace disputes or EEO complaints. For additional information on the alternative dispute resolution process, please contact the Office of Management, Alternative Dispute Resolution Center by e-mail at ADR_CENTER@ED.GOV, or by telephone at (202) 219-0955.

Any management official or supervisor who becomes aware of allegations of harassment will take the necessary actions to ensure that the allegations of harassment are addressed promptly and appropriately, and take measures to ensure that the allegations of harassment are kept confidential to the greatest extent possible. Managers and supervisors may contact the EEOS for internal administrative procedures in addressing allegations of harassment.

Every effort will be made to eliminate discrimination and harassment in the workplace. I am confident that, by exercising individual responsibility, we will be able to maintain a professional and positive work environment for everyone. To this end, I ask that all employees join me in implementing and communicating this policy effectively to the greatest extent possible.

/s/

Arne Duncan