

**Department of
Veterans Affairs**

Memorandum

Date: FEB 12 2015

From: Secretary (00)

Subj: Establishment of Anti-Harassment Office (VAIQ# 7564784)

To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. The Department of Veterans Affairs (VA) is strongly committed to creating a Veteran-first organizational culture, rooted in VA's mission and core values, which engages and inspires employees to their highest possible level of performance and conduct. Integral to this is ensuring a workplace that is free from harassment. VA simply will not tolerate harassment, which consists of any verbal or physical conduct based on race, color, religion, national origin, age, disability, sex (i.e., with or without sexual conduct), genetic information, or protected activities such as participating in Equal Employment Opportunity (EEO) activity, that either results in a tangible employment action or is so severe or pervasive as to constitute an intimidating, hostile, or offensive work environment, including but not limited to: 1) verbal conduct that could include racial or sexual epithets, foul language, unwanted sexual flirtations, ethnic jokes, derogatory statements or slurs; 2) physical conduct that could include improper touching or assault; or 3) visual harassment that could include racially or sexually explicit or derogatory posters, cartoon or drawings, or obscene gestures.

2. To ensure a well-coordinated, integrated, transparent, and effective enterprise-wide approach to addressing allegations of harassment in VA, I have decided to establish the Anti-Harassment Office (AHO). The AHO will be an independent office within the Office of Human Resources and Administration, Office of Resolution Management (ORM), that will ensure allegations of harassment receive a prompt, thorough, and impartial investigation; and that VA takes immediate and appropriate corrective action when it determines harassment has occurred. Ultimately, the goal of the AHO is to prevent harassing conduct before it can become severe or pervasive. This program differs significantly from the EEO complaint process, which exists to provide a remedy for employees who believe they have already been subject to discrimination. AHO activities will occur whether or not an employee invokes the EEO complaint process. More specifically, the AHO will be responsible for:

- a. Developing and issuing procedures for the receipt and handling of allegations of harassment, including provisions addressing confidentiality and guidelines for organizations that are responsible for conducting investigations into possible harassment.
- b. Tracking the progress of investigations and reviewing their results to ensure they are prompt, thorough, and impartial.
- c. Reviewing the corrective action recommended when harassment is found to ensure it is appropriate and timely.

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- d. Collecting information related to harassment allegations in a central case management repository to provide prompt responses to data requests.
- e. Developing and periodically delivering training to employees and managers on the Anti-Harassment Program.

3. All Administrations and Staff Offices will provide timely support to the AHO upon request of the AHO Program Manager. When directed to conduct an investigation into an allegation of discrimination, all Administrations and Staff Offices will ensure the employee assigned to conduct the investigation is provided time and resources to complete the assignment in a prompt and effective manner. More specifically, I direct the following:

- a. Each Administration and Staff Office will appoint an Anti-Harassment point of contact to coordinate with the AHO Program Manager on the conduct of investigations when harassment allegations are received. Additionally, each Administration and Staff Office will appoint one or more individuals, as determined through coordination with the AHO Program Manager, to serve on a pool of investigators that will receive training from the AHO and remain available to conduct investigations as required.
- b. The Office of General Counsel Senior Attorney-Advisor for EEO matters will provide expert legal advice and guidance relevant to AHO responsibilities and will otherwise assist investigators on legal issues that may arise during investigations.
- c. The Assistant Secretary for Human Resources and Administration, through the Deputy Assistant Secretary for the Office of Resolution Management (DAS ORM), will provide subject matter expertise and information to the AHO regarding actions and policies relevant to AHO responsibilities.
- d. The DAS ORM will provide general oversight and support to the AHO and will ensure that the functions performed by the AHO remain separate and distinct from the EEO complaint processing functions, negotiated grievance procedures, or other avenues available for employee redress. The DAS ORM will provide an electronic case management system and a call center to receive allegations of harassment from VA employees and managers. Employees raising allegations of harassment should be informed that any involvement or action by the AHO with regard to an allegation does not relieve an individual of the obligation to contact an ORM Counselor within 45 days of the most recent alleged discriminatory event if an individual wishes to pursue an EEO complaint. In addition, allegations involving VA Office of Inspector General (OIG) staff members will be referred to the OIG Hotline.

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4. The DAS ORM will undertake coordination within VA (to include Administrations, Staff Offices, and Employee Representatives) to develop the above referenced procedures when the AHO Program Manager is in place. Until the AHO is operational, VA managers should continue to conduct appropriate management inquiries into allegations of harassment and take prompt and effective action to eliminate harassing conduct.

5. The establishment of the AHO is in line with other efforts undertaken this year to protect all employees from harassment and whistleblowers from retaliation. VA recently sought and received certification from the U.S. Office of Special Counsel under the Whistleblower Protection Certification Program. We have also established the Office of Accountability Review (OAR) and expressed directly to all employees the importance of their rights in the workplace. Administration and Staff Office personnel should be aware that OAR remains primarily responsible for investigating alleged serious misconduct by senior leaders, and this memorandum does not supersede OAR's policy/scope document. Nothing in this document should be read to authorize an organization other than OAR to investigate alleged harassment by senior leaders.

6. It is important that we collectively redouble our efforts to ensure employees have a workplace environment that is free from intimidating, hostile, or offense behavior. Our ability to deliver the best services and care to our Nation's Veterans is inextricably linked to sustaining an organizational culture that embodies VA's core values.



Robert A. McDonald