

# Quick Reference for Managers to Address Workplace Harassment

1	2	3	4	5	6
Respond Promptly	Obtain Information	Begin EIP	Evaluate Information	Plan of Action	Follow Up

**ADVISORY – This Appendix is a quick reference document. Please consult NPS Manager’s/Supervisor’s Guide To Understanding, Preventing, and Reporting Harassment for specific guidance.**

<p>If approached with a harassment complaint or situation, schedule a meeting in a private location</p> <p>Review relevant:</p> <ul style="list-style-type: none"> <li>a. Information</li> <li>b. Policies</li> <li>c. Procedures</li> </ul> <p>Listen objectively.</p> <p>Advise on:</p> <ul style="list-style-type: none"> <li>a. Confidentiality</li> <li>b. Responsibility</li> <li>c. Rights</li> </ul> <p>Address sensitivity of situation during inquiry.</p>	<p>Define:</p> <ul style="list-style-type: none"> <li>a. Issue</li> <li>b. Nature.</li> <li>c. Scope.</li> </ul> <p>Consider:</p> <ul style="list-style-type: none"> <li>Safety issues.</li> <li>Reporting structure.</li> </ul> <p>Communicate Employee Assistance Program (EAP) and EEO options.</p> <p>Inform and confer with Regional EEO Manager, Human Resources/ Employee Relations (HR/ER) Manager, and next higher-level manager.</p> <p>Discuss remedies.</p> <p>If further inquiry is warranted, proceed to Expedited Inquiry (EI) Process.</p>	<p>Gather Expedited Inquiry Process (EIP) forms.</p> <p>Arrange separate interviews for all parties involved.</p> <p>Advise on EI process.</p> <p>Gather detailed data.</p> <p>Request that a written statement be prepared.</p> <p>Establish timelines for follow-up.</p> <p>If, in the course of this EI Process, you believe that the nature and scope of the complaint warrant outside investigation or that resolution is not feasible, you must refer complaint to Regional EEO Manager, HR/ER Manager, and next higher-level manager</p>	<p>Assess credibility of statements.</p> <p>Gather missing data.</p> <p>Identify the type of harassment discussed.</p> <p>Evaluate employment status change.</p> <p>Inform and confer with Regional EEO Manager, HR/ER Manager, and next higher-level manager.</p> <p>Determine corrective action.</p> <p>If criminal action has occurred, notify NPS Regional Law Enforcement (LE) and local law enforcement.</p> <p>Report to the Office of Inspector General (OIG), NPS Regional LE any use of electronic devices, computer, or internet to transmit harassing communications.</p>	<p>Consult about remedies or discipline with HR/ER Manager, Regional EEO Manager, and, next higher-level manager.</p> <p>Ensure that the inquiry was conducted properly.</p> <p>Deliver the determination separately to alleged harasser and alleging harassee</p> <p>Emphasize:</p> <ul style="list-style-type: none"> <li>a. Retaliation is illegal.</li> <li>b. Report future incidents.</li> </ul> <p>Resolve issues.</p> <p>Document action taken.</p>	<p>Send EI documents to Regional EEO Manager</p> <p>Maintain confidentiality</p> <p>Convey National Park Service’s Anti-Harassment Policy in:</p> <ul style="list-style-type: none"> <li>a. Remedial training.</li> <li>b. Stand-up talks.</li> <li>c. Staff meetings.</li> </ul> <p>Educate yourself and personnel on up-to-date NPS Anti-Harassment policy.</p> <p>Enforce NPS Anti-Harassment policy.</p> <p>Follow up and monitor the workplace.</p>
--	--	---	---	---	--

# Overview of Steps

When encountering a harassment complaint or situation, **your role as a manager is to stop, listen, inquire, and try to resolve the harassment complaint.** Keep in mind that the employee is addressing a sensitive topic.

## 1

### Respond Promptly

**RESPOND PROMPTLY** to the complaint regardless of its form or content. Remember that you could receive a complaint with no prior warning. Any report of harassment is enough to start an inquiry. So whenever possible:

1. Set time aside to discuss concerns.
2. Assess the location of the conversation due to its sensitive nature; be aware of your surroundings and the effect the environment can have on an individual's willingness to provide information.
3. Briefly review the information, policies, and procedures surrounding the issue being discussed.
4. Advise parties of confidentiality rights and their limitations; discuss your responsibility in handling the complaint.
5. Advise the alleging party of the right to report any inappropriate conduct without fear of retaliation and that you take harassment and allegations of harassment seriously.

## 2

### Obtain the Information

Remember: Your responsibility is to ensure that a fair, impartial, prompt, and thorough inquiry of the alleged misconduct takes place. In order to **OBTAIN THE INFORMATION** you need to begin the Expedited Inquiry Process (EI Process), you should:

1. Determine preliminarily if the conduct being described would be considered harassment or inappropriate workplace behavior.
2. Assess the nature and scope of the problem in the workplace.
3. Determine whether there is a potential safety issue and if there is an immediate need to separate the parties involved or modify reporting relationships.
4. Inform the individual who reported the harassment of his or her Employee Assistance Program (EAP) options.
5. Inform the alleging harassee that he or she has a right to file a complaint with an Equal Employment Opportunity (EEO) Representative within 45 days of the inappropriate conduct.
6. Determine whether you can remedy the problem or whether a referral or involvement of a the EEO Manager, Human Resources/Employee Relations (ER) Manager, and/or the next higher-level manager is warranted.
7. Determine whether formal documentation is warranted.

## 3

### Begin EI Process

If an inquiry is warranted, **BEGIN EI PROCESS**. Gather guideline forms provided. There is a separate form for each party involved (i.e., alleging harassee, alleged harasser, and witness). Conduct interviews with involved parties separately. Ask questions in an open-ended manner to allow for elaboration. Remain consistent throughout the process, as follows:

1. Interview – separately – the alleging harassee and the alleged harasser. Arrange a meeting in an appropriate location. Advise of confidentiality rights and their limitations. Advise that the allegations and the EIP are taken very seriously.
  - a. For the alleging harassee — Establish that the person is comfortable having you handle the inquiry and discuss your responsibility in handling the complaint. Display candor and listen with an open mind. Do not form any judgments.

# 3

## Begin EI Process

(continued)

- b. For the alleged harasser — Advise that this is an initial inquiry to gather facts. Be fair and remain objective; remember the concept of “innocent until proven guilty.”
2. Gather information from both parties and take detailed notes of facts such as: who, what, where, why, when, type, time period, frequency, reaction, communication, impact, or adverse action.
3. Request that a written statement be prepared. However, this is not a prerequisite to taking action and is not a requirement if the alleging harassee refuses to provide a statement.
4. Advise that retaliation is illegal, will not be tolerated, and will be reported.
5. Thank the alleging harassee, alleged harasser, and participating witnesses separately for their cooperation with the inquiry, and invite all parties involved to come back if they have more facts to provide.
6. Inform both the alleging harassee and the alleged harasser that you will keep them informed during the process and establish a timeline to follow up.
7. Be sure to use this guideline to document the interview appropriately, so you can be prepared to send your report to the Regional EEO Manager. Maintain confidentiality in that information is shared on a “need to know” basis.
  - a. You must document all serious and recurring cases of alleged harassment and inappropriate action, including corrective actions taken.
  - b. Some complaints can be resolved simply between parties without a formal written record.
  - c. For a minor, single incident, you should make a personal note of the incident in your records and make sure that these confidential records are retained for further reference when necessary. When in doubt, document.
8. Do not insist on corroboration or detailed evidence. While helpful, its absence should not deter you from taking action.

# 4

## Evaluate Information

**EVALUATE INFORMATION**, review notes, and determine the next steps by doing the following:

1. Assess the credibility of all information collected. Ensure that the facts are based on observation and evidence rather than conclusion or assumption. Stick to the facts.
2. Consider whether you need to conduct further interviews to clarify inconsistencies or gather missing information.
3. Determine whether the employee suffered a significant change in employment status due to the alleged harassment (e.g. demotion, denial, or discharge).
4. Assess whether management knew or should have known about the harassment or inappropriate workplace behavior. Throughout the inquiry and resolution process, confer with the Regional EEO Manager, Human Resources/Employee Relations (HR/ER) Manager, and the next higher-level manager.
5. Determine corrective action in accordance with National Park Service policies, procedures, guidelines, rules, regulations, and collective bargaining agreements. Consult with your Regional Labor Relations office, as applicable. Remember that consistency in the application of discipline is critical.
6. In the event of possible criminal actions (such as physical assault or stalking), notify the National Park Service Law Enforcement (LE) and local law enforcement. Report the use of any electronic device, computer, or the Internet to transmit threatening or harassing communications, indecent images, or materials to the LE, and Office of Inspector General (OIG).

# 5

## Plan of Action

Develop a **PLAN OF ACTION**, consult with Regional EEO Manager, and HR/ER Manager, and take remedial action as appropriate. Be sure to convey that the National Park Service is committed to eliminating harassment and inappropriate workplace behavior. It is your responsibility to see that a fair, impartial, prompt, and thorough inquiry of the alleged misconduct has taken place. With regard to determinations:

1. If an inquiry is **INCONCLUSIVE** or shows that harassment or inappropriate workplace behavior **HAS NOT** occurred, inform both the alleging harassee and the alleged harasser (separately) of the determination and report the reasons for the conclusion.
  - a. When reporting to the alleging harassee:
    - Acknowledge that the alleging harassee did the right thing by reporting the incident and/or cooperating with the inquiry
    - Emphasize that if another incident occurs, he or she should report it immediately.
  - b. When reporting to alleged harasser:
    - Inform the harasser that nothing will be placed in his or her personnel folder
2. If an inquiry shows that harassment or inappropriate workplace behavior **HAS** occurred:
  - a. Take prompt action to end current harassment or improper conduct:
    - Consult with the EEO Manager, HR/ER Manager, in your region, and the next higher-level manager, on how to consistently determine the appropriate remedy or disciplinary action.
    - Resolve the problem and take remedial action, if necessary.
  - b. Inform both the alleging harassee and alleged harasser separately of the determination of the EI, the reason for the conclusion, and the actions to be taken.
  - c. When reporting to the harassee:
    - Acknowledge that the harassee did the right thing by coming forward and cooperating with the inquiry. Apologize to the employee on behalf of the organization, including upper management.
    - Emphasize that if another incident occurs, he or she should report it immediately.
  - d. Resolve the problem and take remedial action if necessary:
    - When a remedy is determined, administer the chosen remedy appropriately. Make sure that discipline is consistent with the severity of the conduct and is executed consistently.
    - Remedial actions may include: discussion, remedial training, letter of warning, suspension, transfers, demotion, and/or discharge.
    - Documentation is confidential, to be shared on a "need to know" basis:
      - For a minor, single incident, inform the alleging harassee that the notes can be placed in the fact-finder's personal folder for future reference.
      - For a serious or recurring incident, inform the alleging harassee that records will be kept for 4 years at the Regional EEO Resources office.

# 5

## Plan of Action

*(continued)*

3. Consulting with each party separately, assess whether all parties involved feel able to continue to work in the area. If not, consult with Regional HR/ER Manager and the next-higher-level manager to explore the possibilities available.
4. Record the date and subject matter for your notes. Fully document actions taken on the appropriate guideline forms and ensure that all EIP files are sent, under confidential cover, to your Regional EEO Manager. The EEO Manager, Human Resources Manager, and the next-higher-level manager will review the information to ensure that the inquiry is appropriately resolved. The files must be kept for 4 years after the expedited inquiry is completed.

**Note: Regardless of determination, in all cases reiterate that retaliation against any person for reporting or providing information on potential harassment is illegal and will not be tolerated.**

# 6

## Follow Up

Always **FOLLOW UP** in the workplace to ensure that employees are aware of and follow the appropriate standards of conduct and monitor the workplace openly for harassment issues. Seriously consider if:

1. Remedial training will address issue raised during the inquiry.
2. Periodic stand-up talks or staff meetings can be used as forums to reinforce your commitment and message of zero tolerance for harassment.