

USDA Anti-Harassment All-Employee Training Fact Sheet

Welcome to the printable version of the course. This document is intended for print distribution only.

What Is the Purpose of Departmental Regulation (DR) 4200-003?

The purpose of the Anti-Harassment regulation is to foster a work environment that is free from harassment and bullying, including any offensive, hostile, abusive, demeaning, insulting, tormenting, threatening or intimidating conduct. The Anti-Harassment Program will address both legally actionable conduct as well as conduct that may not be addressed by the EEO program or other federal regulations or laws.

What Is Covered by DR4200-003?

- The DR develops a streamlined way of handling workplace harassment and bullying by each mission area, agency, and staff office under the direction of an Anti-Harassment Coordinator.
- The DR explains the reporting process for allegations of harassment and bullying.
- The DR explains the roles and responsibilities of Managers, Supervisors, Anti-Harassment Coordinators, Human Resources/Employee Relations and employees in processing reports and resolving incidents of harassment and bullying.
- The DR covers all USDA employees' responsibility to recognize and prevent workplace harassment and bullying.

When is DR4200-003 Effective?

It is effective immediately.

Will I Receive a Copy of the DR?

You will receive a copy in paper format and email. It is also accessible on the USDA's website for reference. You will receive notice of the DR and subsequent changes within 90 calendar days of publication or during a new employee's onboarding process.

Can I Obtain a Copy of the DR in Another Language or Format?

Yes, alternative formats and languages are available upon request.

How Does the DR Define Harassment and Bullying?

Unwelcome verbal, non-verbal, written, or physical conduct that is offensive, hostile, abusive, demeaning, insulting, tormenting, threatening, or intimidating. The harassment or bullying does not have to rise to the level of legally actionable harassment, and it can, but does not necessarily need to be, based on a person's status in a protected class. It refers to any form of communication or conduct that a person experiences or becomes aware of that can be perceived as harmful.

Who is Covered by the DR?

The entire USDA, which includes all employees, contractors, volunteers, and partners working for USDA. This also includes those working virtually on USDA business. Recipients, sub-recipients, or beneficiaries of USDA programs are not included.

Do I Have to Be in a Protected Class in Order for the Regulation to Protect Me?

No, the DR applies to everyone who works in the USDA regardless of their status in a protected class.

Does the Workplace Include Your Home?

The workplace includes the physical office and your home office when working remotely.

Are Reports of Harassment or Bullying Confidential?

Yes, all reports of harassment or bullying will be confidential. Identifying information or details of the allegation(s) will only be revealed when necessary for investigating the allegation or report.

Will I Face Repercussions If I File a Report and No Misconduct Is Found?

No, your job will not be affected by reporting an incident of harassment or bullying. You will not face any negative repercussions for making a good faith report under the DR even if your report is not substantiated. You should not try to investigate concerns first or delay reporting because you are not 100% sure that the conduct is harassment or bullying.

Can I Report an Incident of Harassment or Bullying Under the Anti-Harassment Program and Still Move Forward with an EEO Complaint?

Yes, you can proceed with both. Reporting under the Anti-Harassment Program is independent of an EEO complaint or investigation. There is a firewall between the two programs. Remember, if you wish to proceed under the EEO process, you must file your EEO complaint within 45 days after the last incident of harassment. Filing a report of harassment under the Anti-Harassment program will not stop the 45-day timeline associated with filing an EEO complaint.

If I File Under the Anti-Harassment Program and File an EEO Complaint, Will the Same People Looking Into My Anti-Harassment Report Investigate My EEO Complaint?

No, there is a firewall. Both cases will proceed independently.

Can I Report an Incident of Harassment or Bullying Under the Anti-Harassment Program and Other Statutes, Regulations, or Policies?

Yes. All other avenues of relief remain available to you including an employee's rights or obligations to seek relief with the Equal Employment Opportunity Commission (EEOC), Merit Systems Protection Board, Office of Special Council (OSC), the administrative grievance system, or negotiated grievance procedures under a collective bargaining agreement. Reporting harassment or bullying under DR4200-003 will not satisfy any other requirements or due dates associated with any other process or course of action. In addition, this regulation does not affect or impede the Office of the Inspector General from conducting their own investigations.

Is There a Deadline for Filing Under the Anti-Harassment Program?

No, but it is encouraged that you report as soon as possible.

Who Should I Report an Incident of Harassment or Bullying to?

You can choose either one of the following:

1. Any supervisor or management official
2. Any Anti-Harassment Coordinator
3. Any Human Resources or Employee Relations Representative

Can I Make a Report of Harassment or Bullying If I Am Not the Affected Individual?

Yes, you can make a report as a witness to harassment or bullying.

Does the Report of Harassment or Bullying Have to Be in Writing?

No, it does not have to be in writing.

What Happens After a Report of Harassment or Bullying Is Made?

You will receive confirmation of your report within one day if the allegation involves sexual harassment or three days for all other allegations. There may be immediate action, such as your separation from the alleged harasser, if deemed necessary. An Anti-Harassment Coordinator, in consultation with Human Resources/Employee relations, will conduct an impartial inquiry into the allegations within ten days of the report, determine if corrective action is required, if the report should be forwarded to an appropriate investigative body or if the report is unsubstantiated. You will be advised of the outcome of the report and any corrective measures taken.

What Is an Anti-Harassment Coordinator?

The Anti-Harassment Coordinator is the central position for receiving and tracking all reports of harassment and bullying.

How Can I Contact an Anti-Harassment Coordinator?

You can reach out to your Human Resources contact and Employee Relations representatives and they can provide your Anti- Harassment Coordinator contact information.

What Happens If Someone Else Reports and the Affected Individual Does Not Wish to Proceed?

The investigation will proceed.

Will All Employees Receive Training on the Anti-Harassment Program?

Yes, yearly training is mandatory.

What Are Examples of Harassment or Bullying?

- Harassment: Offensive name-calling, jokes, slurs, negative stereotyping, hostility, or threats.
- Offensive Media, photographs and visual depictions when distributed or displayed in the workplace or shared electronically on government devices or in virtual gathering places for employees.
- Derogatory or offensive pictures, cartoons, drawings, or other visual depictions.
- Not calling a person by their proper name or title when they have asked to be addressed in this manner on multiple occasions.
- Workplace violence, or the threat of violence, against workers. It can occur at the workplace or while people are working from home or in the field and can range from threats and verbal abuse to physical assaults and homicide. Workplace violence is one of the leading causes of job-related deaths.
- Stalking, which is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
- Personnel decision when the decision is not based on any legitimate, non-discriminatory reason and is taken solely to harm the affected individual.
- Retaliatory harassment, which is meant to discourage a person from reporting unlawful or inappropriate conduct, or because they have already reported unlawful or inappropriate conduct or engaged in any protected EEO or whistle-blower activity.
- Sexual harassment which includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- Bullying is any hostile or aggressive behavior perpetrated against an employee. It is a continuous activity that occurs over time, designed to humiliate individuals and is a way to exert power or authority.

*Please Note: The examples are not an all-inclusive list but intended as a guide.

For more information and to review policy documents, please check online at usda.gov. In addition, you can always contact your supervisor, Anti-Harassment Coordinator, Human Resources or Employee Relations representative.

Questions to Test Your Knowledge

Question 1:

How is harassment defined under the USDA's Anti-Harassment Regulation, DR 4200-003?

- a) Transferring, demoting, or disciplining an employee who hasn't been meeting expectations.
- b) Any unwelcome verbal, non-verbal, written, or physical conduct that is offensive, hostile, abusive, demeaning, insulting, tormenting, threatening, or intimidating.
- c) Coworkers mutually engaging in harmless banter or friendly teasing with one another.
- d) None of the above.

Question 2:

Who does the USDA's Anti-Harassment Regulation DR 4200-003 apply to?

- a) Only USDA employees.
- b) Beneficiaries of USDA programs.
- c) The entire USDA, which includes all employees, contractors, volunteers, and partners working for USDA.
- d) All of the above.

Question 3:

True or False: The USDA Anti-Harassment program is limited to individuals who are members of a protected class.

- a) False.
- b) True.
- c) It depends on the type of harassment.

Question 4:

True or False: Harassing and bullying behavior is always considered legally actionable.

- a) True.
- b) False.
- c) It depends on the type of harassment.

Question 5:

True or False: When talking about preventing harassment at the USDA, the Anti-Harassment program considers the “workplace” to mean both the physical and virtual workplace.

- a) False
- b) True
- c) Depends on the type of harassment

Question 6:

True or False: If an employee believes they may have witnessed harassing or bullying behavior, they should verify that it actually happened before reporting it.

- a) True
- b) It depends on the type of harassment
- c) False

Question 7:

True or False: If an employee files a complaint through the EEO complaint program, they can also make a report about the very same issue under the Anti-Harassment program.

- a) False
- b) True
- c) It depends on the type of harassment

Question 8:

If an employee experiences or observes harassment or bullying, who should they report it to?

- a) Any supervisor or management official
- b) Any Anti-Harassment Coordinator
- c) Any Human Resources or Employee Relations Representative
- d) All of the above

Question 9:

True or False: If an employee who has been harassed does not wish to move forward with the procedures in the Anti-Harassment Program, the reporting process should be stopped.

- a) Depends on the type of alleged harassment.
- b) True
- c) False

Question 10:

Please select the correct definition for the following type of harassment:

Harassing Statements and Comments

- a) Friendly teasing.
- b) Include but are not limited to offensive name-calling, jokes, slurs, negative stereotyping, hostility, or threats.
- c) Offensive pictures, cartoons, or drawings.
- d) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety.

Question 11:

Please select the correct definition for the following type of harassment:

Personnel Decision

- a) Making jokes, offensive name-calling, slurs, and negative stereotyping.
- b) Offensive, denigrating, and other improper conduct which is perpetrated against an employee to discourage them from reporting harassment.
- c) Continuous activity that occurs over time and may involve a variety of tactics designed to humiliate or intimidate others.
- d) The termination, demotion, or reassignment of an employee that is not based on any legitimate, non-discriminatory reason and is taken solely to harm the affected person.

Question 12:

Please select the correct definition for the following type of harassment:

Retaliatory Harassment

- a) Offensive pictures, cartoons, or drawings.
- b) The termination, demotion, or reassignment of an employee that is not based on any legitimate, non-discriminatory reason and is taken solely to harm the affected person.
- c) Offensive, denigrating, and other improper conduct which is perpetrated against an employee to discourage them from reporting harassment or because they already reported unlawful or inappropriate conduct.
- d) Continuous activity that occurs over time and may involve a variety of tactics designed to humiliate or intimidate others.

Question 13:

Please read the following scenario and select the appropriate action(s) to take:

Beth's supervisor Michael asked her to work after hours on a project. As they wrapped up their work for the evening, Michael attempted to hug her. When Beth rebuffed his advances, Michael got upset and began to suggest that he would tell their manager that Beth had not contributed to the work.

Who can Beth report the conduct to?

- a) Her manager
- b) Anti-Harassment Coordinator
- c) Human Resources
- d) An EEO counselor
- e) Any of the above

Question 14:

Please read the following scenario and select the appropriate action(s) to take:

Dan and some of the guys in the office are looking at sexual images on Dan's computer, when their co-worker Wendy walks into the office. Dan makes a suggestive comment to Wendy asking her if she looks like the pictures on the computer. The guys in the office laugh. Wendy is visibly uncomfortable and leaves the office.

Who does the Anti-Harassment program direct Wendy to report this to?

- a) Her other co-workers
- b) Her supervisor
- c) The Anti-Harassment Coordinator
- d) Her boyfriend
- e) b or c

Question 15:

Please read the following scenario and select the appropriate action(s) to take:

Dr. Jessica Burns is a highly accomplished scientist within the agency. Recently, at a scientific meeting, a male colleague, Dr. Mark McCarthy, referred to Dr. Burns as "baby" in front of other male colleagues. When Dr. Burns told Dr. McCarthy that was inappropriate, he laughed and said he was only kidding, but he continued to call her "honey" and "baby." Dr. Burns' other male colleagues who witnessed the interaction didn't say anything but were embarrassed for her. At least one of the colleagues who witnesses the interaction, Dr. Elias Johnson, is a supervisor.

What is Dr. Johnson required to do under the Anti-Harassment Program?

- a) Report Dr. McCarthy's behavior to Dr. McCarthy's supervisor.
- b) Report Dr. McCarthy's behavior to the Anti-Harassment Coordinator.
- c) Tell Dr. McCarthy that if he doesn't stop the offensive behavior, he will have to report it through the Anti-Harassment Program.