



MEMORANDUM

To: All National Endowment for the Arts Employees

From: Jane Chu, Chairman

Date: December 5, 2014

Re: Anti-Harassment Policy Statement

The National Endowment for the Arts (NEA or Agency) is committed to ensuring that all employees are free from harassing conduct in the workplace. The purpose of this Anti-Harassment Policy is to encourage the reporting of harassment, to correct harassing behavior, and to prevent such behavior from occurring at the NEA, **before** it creates a work environment that a reasonable person would consider intimidating, hostile or abusive.

Under this policy, "harassment" is defined as any unwelcome conduct, **verbal or physical**, based on race, color, religion, sex (including pregnancy, gender identity, sexual orientation, and sex-stereotyping), national origin, age (40 and over), disability, or genetic information, and any other reason prohibited by law. Also prohibited is harassment against an individual in retaliation for that person filing a discrimination charge, participating in an employment discrimination proceeding (such as an investigation or lawsuit), or opposing discriminatory employment practices.

Examples of prohibited harassing conduct may include but are not limited to: physical touching; offensive jokes or phrases; sexual looks or gestures; offensive objects or photos at work; and persistent requests for dates or social engagements. Other examples include when a supervisor coerces an employee into an unwelcome sexual relationship and then rewards the employee, or when a supervisor takes disciplinary action or denies a promotion to an employee because he or she rejected sexual advances from the supervisor.

Employees experiencing harassment should promptly report the incident by one or more of the following methods:

- 1) Report the incident to his/her immediate supervisor; or
- 2) If an employee's supervisor is involved with the incident or for some other reason the employee does not want to involve the immediate supervisor, incidents may be reported directly to the second level manager; or
- 3) Employees may report incidents to the Director of Human Resources (DOHR) at (202) 682-5405; or
- 4) Employees may report incidents to the Director of Civil Rights/EEO at 202 682-5454.

If you observe or become aware of others being harassed, you are encouraged to report harassment using the procedures above. Additionally, you may report incidents anonymously by placing information in the NEA harassment *Report It* box located in the hallway next to the 3rd floor kitchen.

All supervisors and managers receiving an incident report must promptly report these incidents to the DOHR, conduct a management inquiry with the assistance of the Office of Human Resources, and resolve instances of harassing conduct following the Agency's Anti-Harassment Procedures. If a potential conflict with conducting the inquiry is identified, the NEA Office of General Counsel will make a determination as to whether a conflict exists and will provide guidance on how to proceed with the inquiry. If appropriate, the NEA may provide interim relief to employees who are victims of alleged harassing conduct to ensure that the conduct does not continue. If harassing conduct is found to have occurred, the NEA will take appropriate corrective and disciplinary action, up to and including removal.



The NEA will take disciplinary action against supervisors who do not fully carry out their responsibilities under this Policy and will not tolerate retaliation against any employee for making a report of harassing conduct or for participating in any management inquiry or related proceeding. All managers, supervisors, and employees are encouraged to work together to ensure compliance with all anti-harassment laws and regulations.

Note: Any employee wishing also to initiate an EEO complaint arising out of an alleged incident of harassment related to the categories of race, color, religion, sex (including pregnancy, gender identity, sexual orientation, and sex-stereotyping), national origin, age (40 and over), disability, genetic information, and/or retaliation must contact OCR within 45 calendar days of the incident. For more information, visit <http://arts.gov/open/civil-rights-office/nea-civil-rights-complaint-process>.

The employee may initiate either a harassment complaint or an EEO complaint or the employee may choose to pursue both options simultaneously. However the employee should not wait until the agency's internal harassment inquiry is completed to contact a counselor if waiting will allow the 45-day time limit to expire.

Jane Chu / CHAIRMAN
Signature/Title

15 December 2014
Date