

# Anti-Harassment FAQs

*If you have any questions not covered by these FAQs, please contact April Lane.*

➤ **Does FRTIB have an Anti-Harassment Process?**

Yes. It is FRTIB's policy to provide for a work environment free from all forms of harassment, including sexual harassment, and harassment on the basis of race, color, gender, national origin, religion, sexual orientation, age, genetic information, reprisal, parental status, or disability. Further, FRTIB will not tolerate the creation of a hostile work environment.

➤ **What constitutes harassment or a hostile work environment?**

The legal definition of harassment is unwelcome verbal or physical conduct that creates an intimidating, hostile, or offensive work environment, interferes with the individual's work performance, or otherwise adversely affects employment opportunities. A hostile work environment occurs when discriminatory intimidation, ridicule or insult is sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment. The goal of the anti-harassment policy is to eliminate harassing conduct, at the earliest possible stage, regardless of whether the conduct violated the law.

➤ **What are some examples of conduct that could constitute harassment/hostile work environment?**

Examples of what could constitute harassment include, but are not limited to, the use of racial and ethnic slurs; derogatory remarks; offensive jokes, graphics, or communications; physical contact; demeaning gestures; invasion of an individual's personal space or private life.

➤ **Where should I go to report harassment/hostile work environment?**

FRTIB employees who believe they have been the victims of harassment should report the matter immediately to the Human Resources Department (HRD). Employees may also report allegations of harassment to their immediate supervisor, another management official, or to FRTIB's Equal Employment Opportunity program manager.

➤ **If I report harassment, what happens next?**

On receipt of a complaint of harassment, HRD is responsible for providing the complainant with the Harassment Complaint Form and encouraging its completion. The form requests information about the complaint that will help the agency respond

appropriately and as quickly as possible. The employee is not required to submit the form. HRD will provide the employee with the option of an intake meeting as an alternative to submitting the form.

HRD in conjunction with the Office of General Counsel will review the complaint and determine what, if any, action should be taken. Such action may include an informal inquiry or formal investigation into the harassment allegations. Any investigation/inquiry will be prompt, thorough, and impartial. Throughout the process, confidential or sensitive information will be shared only with those who have a need to know.

Upon completion of the inquiry or investigation, the HR Officer, or appropriate management official, will review the results and will advise the employee of the conclusions reached. If harassment has occurred, immediate and appropriate corrective action will be taken. However, the employee will not be informed of the decision on any action to be taken against the accused, if harassment or misconduct is found.

➤ **Does the FRTIB offer Alternative Dispute Resolution as part of the Harassment process.**

Yes. During the Harassment process the goal of alternative dispute resolution (ADR) is to provide a forum where the complaining and responding parties can, with the aid of the third party neutral, come to a mutually agreed-upon resolution. Alternative dispute resolution works only when both the complaining and responding parties voluntarily participate in the process. Hence, the identity of the complaining party, the identity of the responding party and the nature of the complaint will be known to all parties. If both parties agree to ADR, the inquiry will be put on hold. HRD will coordinate the participation of the third party neutral. If the matter is not resolved in the ADR process within 60 days from the date the complaint is made, the inquiry will resume. If the matter is resolved, the resolution will be documented in writing and reviewed by HRD and OGC prior to implementation.

➤ **What if it is determined that no harassment occurred?**

It depends. In some instances, the complaint may be referred to HRD's Employee Relations Specialist for handling as an employee relations matter. HRD may also offer to coordinate a facilitated discussion through the Sharing Neutrals Program with the involved employees to constructively work out any workplace issues or concerns. In some circumstances, HRD may close out the matter and take no further action. In all instances the complaining employee will be notified of the conclusions reached during the inquiry as well as the name of a person to contact if any further problems with the accused or anyone else arise, or if the complaining employee experiences any retaliation.

➤ **What if I get contacted by an investigator? Do I have to cooperate?**

Whether you are an employee alleging harassment, the alleged harasser or a witness, you must cooperate with the investigators. Failure to cooperate may result in disciplinary action and/or, in the case of the employee alleging harassment, possible termination of the investigation, as appropriate.

➤ **Do I have a right to representation during interviews?**

FRTIB employees are permitted to have a representative that is not a FRTIB employee present where the employee reasonably believes that the examination may result in disciplinary action against him/her.

➤ **If I report harassment, can I be retaliated against because I made a complaint?**

Retaliation against any employee who reports a problem or files a complaint of harassment or against anyone who participates in the investigation will not be tolerated and should be immediately reported to HRD.

➤ **Is reporting harassment the same as filing an EEO complaint?**

No. The harassment process is entirely separate from the EEO complaint process. This means that an employee who reports allegations of harassment to a FRTIB supervisor/manager or HRD has **not** filed an EEO complaint. However, if an employee raises allegations of harassment in an EEO complaint, then the EEO Program Manager may bring those allegations to the attention of HRD. An employee who wishes to file an EEO complaint must contact FRTIB's EEO Program Manager within 45 calendar days of the alleged harassing conduct or the date they became aware of the harassing conduct. Failure to do so may result in the dismissal of the EEO complaint.