

Harassment Investigation Procedures

Federal Retirement Thrift Investment Board
Effective Date: November 30, 2020

Harassment Investigation Procedures

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1. Overview

The Federal Employees' Retirement System Act of 1986 (FERSA) authorized the Federal Retirement Thrift Investment Board (FRTIB), an independent agency of the U.S. Executive Branch, to administer the Thrift Savings Plan (TSP), one of the three components of the Federal Employees' Retirement System (FERS). The TSP is a defined contribution plan for U.S. Federal civilian employees (including those covered by the Civil Service Retirement System (CSRS)) as well as members of the uniformed services. FRTIB and TSP are collectively referred to as the Agency. The mission of FRTIB is to administer the TSP solely in the interest of its participants and beneficiaries.

The Office of Resource Management (ORM) is the FRTIB office that supports and manages human resources and administration activities for the Agency in accordance with Office of Personnel Management (OPM) regulations and other applicable Federal regulations. ORM serves as a strategic partner to FRTIB leadership and drives the design of innovative, effective administrative services and human resource programs to support FRTIB employees and its overall mission. Specifically, ORM manages the key business processes related to human resources programs and initiatives.

This document sets forth FRTIB's procedures related to implementation of its Anti-Harassment Policy Statement issued by the FRTIB Executive Director and its Equal Employment Opportunity (EEO) Program Policy. FRTIB is responsible for investigating all complaints of harassment received. These procedures document FRTIB's internal process, which is separate from the EEO process, and stems from the agency's obligation to investigate any complaints of harassment, whether or not an EEO complaint is pursued, and take immediate, corrective action when required. These procedures are meant to provide guidance on responding to and investigating allegations of unlawful harassment on behalf of management. The FRTIB office in charge of administering these procedures is ORM.

Harassment is unwelcome conduct on protected EEO bases that results in tangible employment actions or is severe or pervasive enough to constitute a hostile work environment. Unwelcome conduct will be addressed by FRTIB before it escalates to the level of unlawful harassment. Prohibited harassment includes, but is not limited to, unwelcome conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile

environment as a result of the individual's race, color, ethnicity, national origin, religion, sex, sexual orientation or gender identity, physical or mental disability, genetic information, pregnancy, or age, or retaliation against prior EEO activity. The Agency, therefore, will not tolerate harassment or any other form of unlawful discrimination. Retaliation against any employee¹ for reporting such matters or for assisting in any inquiry about such a report is also prohibited.

2. Roles and Responsibilities

Human Resources Officer – is responsible for reviewing and making decisions on complaints of harassment made by employees. The Human Resources Officer (HR Officer) considers whether the evidence supports the allegations made by the employee, whether the supported allegations rise to the level of harassment, and whether corrective action should be taken, including what that corrective action should be. The HR Officer is also responsible for notifying appropriate parties of the outcome of any inquiry into a complaint of harassment.

Employee Relations Specialist – is responsible for conducting inquiries into complaints of harassment.

Supervisors –are responsible for ensuring a workplace free from harassment, promptly referring allegations of harassment to the Human Resources Division (HRD) and monitoring their own conduct to ensure they avoid creating hostile and abusive work environments.

Office of General Counsel – is responsible for providing legal advice to HRD on complaints of harassment and participating in investigations of complaints of harassment under certain circumstances.

EEO Program Manager—is responsible for processing complaints of harassment within the EEO program when harassment based on a protected class is alleged and referring all complaints of harassment promptly to HRD.

¹ FRTIB anti-harassment policy and procedures only cover Federal civil servants/employees. FRTIB does not have the authority to address issues between contractor employees pertaining to harassment. However, it is expected that all contractors conducting work on FRTIB premises will refrain from engaging in harassing conduct. For allegations of harassment involving a contractor employee, FRTIB supervisors should immediately contact the appropriate Contracting Officer.

Employee – is responsible for reporting complaints of harassment to their immediate supervisor, management official, HRD or the EEO Program Manager. The employee is also responsible for participating in any inquiry into complaints of harassment.

3. Applicable Policies

- Equal Employment Opportunity Program Policy

4. Procedures

- AH-1 A complaint of harassment is referred to HRD via employee direct complaint, management referral, or EEO referral.
- AH-2 The Employee Relations (ER) Specialist contacts the employee and provides the employee with the option of completing a Harassment Complaint Form or relaying their complaint verbally to the ER Specialist in a meeting, and informs the employee that if they believe they have been discriminated against they must contact the EEO Program Manager within 45 days of the matter alleged to be discriminatory.
- AH-3 If the complaining employee refuses to complete a form or participate in a meeting, they will be warned by the ER Specialist that failure to cooperate may mean no action can be taken on their complaint, or that the investigation will proceed without their statements and they will not be informed about its progress.
- AH-4 Within 10 days of receiving the harassment complaint, the ER Specialist submits the completed Harassment Complaint Form or notes from an intake meeting to the HR Officer.
- AH-5 The HR Officer reviews the form or notes and consults with OGC on whether an inquiry is needed and, if so, determines the scope of the inquiry and the proposed timeline for completion. The HR officer also consults with OGC on who will conduct the inquiry (e.g., ER specialist, external investigator). The HR officer, in consultation with OGC, may decide to hire an outside investigator based on consideration of the

following factors: (1) whether a conflict of interest arises; (2) availability of resources; and (3) complexity of allegations.

- AH-6 The HR Officer consults with OGC on whether interim measures, such as a separation of the complaining employee and the responding employee (i.e., the employee against whom the complaint of harassment is made), a change in supervisors, an order of no contact, etc., are needed. If such measures are needed, the HR Officer and ER Specialist implement those measures.
- AH-7 The HR Officer determines if alternative dispute resolution by a neutral third party would be effective and, if so, offers it to the complaining employee and the responding employee. Alternative dispute resolution will only be used if both parties agree to it willingly.
- AH-8 If an inquiry is needed, it is conducted by the appropriate ER specialist or investigator(s). Inquiries include interviews with relevant witnesses and the gathering relevant documents. Inquiries will be kept confidential to the greatest extent possible without compromising the effectiveness of the investigation. Employees are entitled to a representative during the investigation if they reasonably believe that the investigation may lead to disciplinary action against them.
- AH-9 Depending on the level and scope of the inquiry, the investigator(s) will prepare a Summary Statement Memorandum after interviewing each witness or a Formal Witness Statement, which must be reviewed and signed by the witness certifying it as true. The investigator(s) will prepare an inquiry package to include all statements and documents relevant to the inquiry.
- AH-10 The inquiry package will be submitted by the investigator(s) to the HR Officer.
- AH-11 The HR Officer reviews the inquiry package and, in consultation with OGC, determines whether harassment has occurred and what appropriate actions, if any, should be taken immediately. Even where harassment has not occurred, some remedial actions such as training, referral to an Employee Relations Specialist, and/or facilitated discussions may be recommended. FRTIB will investigate the allegations, reach a decision and, if necessary, take corrective action within 60 days, absent extenuating circumstances.

AH-12 The HR Officer provides notification to the complaining employee and the responding employee once the inquiry is complete, informing them of the conclusions reached and a contact person if further issues arrived.

AH-13 If an employee believes they have been retaliated against for a complaint of harassment, or for participating in a harassment investigation, they should report it to HRD immediately.

5. Authorities and References

6. Revision History

Date	Version	FRTIB Author	Comments <i>(briefly summarize change)</i>
12/23/2016	0	Kristin Hanmer	Initial Version
10/4/2020	1	Kelly Powell	Updated to include EEOC recommendations

7. Approval

Name: _____ Date: _____
Gisile Goethe

Title: Office Director, ORM

8. Appendices

Appendix A: Sample Documents

Appendix B: Reference Material

- Harassment Complaint Form
- FRTIB Director's Anti-Harassment Policy Statement

Appendix C:

- None