

PROCEDURES FOR ADDRESSING ALLEGATIONS OF WORKPLACE HARASSMENT

I. PURPOSE

All employees shall be treated fairly and equitably and without discrimination. The purpose of these procedures is to prevent and address incidents of harassment (as defined herein) in the Office of Chief Counsel's (Counsel) workplace and to provide a consistent and effective procedure for responding to allegations of harassment. These procedures supplement Counsel's Anti-Harassment Policy and Treasury's Procedures for Addressing Allegations of Discriminatory Harassment dated October 14, 2022, and establish procedures for:

- Easy reporting of allegations of harassment;
- Prompt inquiries into allegations of harassment; and
- Immediate and appropriate corrective action when necessary.

II. BACKGROUND

These procedures are not intended to replace or impede the Equal Employment Opportunity Commission discrimination complaint process found at Title 29 C.F.R. Part 1614, Counsel's administrative grievance or negotiated grievance process, and do not alter or delay the filing deadlines for invoking those processes. Reporting an allegation of harassment under these procedures does not satisfy the requirements for filing an EEO complaint or a grievance. These procedures set forth a procedure separate from the EEO and grievance processes. Reports of harassment may be made under these procedures irrespective of whether any other applicable process is invoked and may be made in addition to other applicable processes.

III. DEFINITIONS

- A. **Affected Person**. A federal employee, an applicant for employment, a contractor employee, or a student volunteer or intern, who believes he/she has been subjected to harassment in the course of his/her employment or performance of Counsel-related functions.
- B. **Alleged Harasser**. Any person, regardless of his or her employment relationship with Counsel, who allegedly subjected an affected person to workplace harassment. An alleged harasser could be a manager or supervisor, subordinate, co-worker, or non-Counsel employee.
- C. **Anti-Harassment Coordinator**. A Counsel official responsible for initiating and conducting inquiries under these procedures regarding allegations of harassment. The Anti-Harassment Coordinator may also delegate inquiries to

other management officials within Counsel, as the Anti-Harassment Coordinator deems necessary or appropriate. The Anti-Harassment Coordinator, or assigned management official, will conduct these inquiries outside of and removed from the EEO process.

- D. **Conduct Covered**. The conduct covered by these procedures is broader than the legal definition of unlawful harassment provided in Section III.L (below). It includes hostile or abusive conduct based on a protected group (defined in Section III.I), even if the conduct is not sufficiently severe or pervasive so as to alter the conditions of employment. The goal of this policy is to stop unwelcome conduct before it rises to the level of unlawful harassment and to prevent unwelcome conduct from occurring. Employees are encouraged to report harassing conduct, whether experienced or observed, in order to ensure that appropriate officials are notified of and have the opportunity to promptly correct such conduct.
- E. **Reviewing Official**. A supervisor or manager (typically in the alleged harasser's supervisory chain) with authority to make determinations as to whether the alleged harassment actually occurred and, if so, to take and contemporaneously document appropriate corrective action. The Reviewing Official should not conduct or supervise the inquiry. The Reviewing Official should not have been named in the allegation(s) of harassment or witnessed the alleged incident(s) of harassment and may not serve as an advocate on behalf of either party. In situations where the alleged harasser is not a Counsel employee (e.g., grantee or contractor employee), the Reviewing Official will take immediate corrective action to the extent permitted by law or regulation. In such situations, the Reviewing Official may have to coordinate with the alleged harasser's employer to ensure that immediate corrective action is taken regarding the allegations of harassment.
- F. **Harassment**. Harassment is unwelcome conduct based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, age (beginning at age 40), disability, pregnancy accommodation, genetic information (including family medical history), or protected EEO activity (hereinafter referred to as protected groups), and that unreasonably interferes with an individual's work performance/environment by resulting in a tangible employment action, or is sufficiently severe to alter the conditions of the victim's employment and create a hostile or abusive working environment
- G. **Detailed Inquiry**. Information gathered regarding allegations of harassment in order to provide a reasonable and sufficient basis for a conclusion by a Reviewing Official as to whether such conduct has occurred. The nature, extent and scope of the inquiry will be determined by the Anti-Harassment Coordinator and will vary based on the circumstances. The inquiry should consist of interviews with all persons with relevant information, including the individual accused of the harassing conduct, and a review of any written or electronic

information related to the alleged harassment.

- H. **Inquiry.** Every allegation of harassment, including those that do not involve a protected category, must be addressed with at least an initial inquiry involving all relevant parties. The findings should be reported to the Anti-Harassment Coordinator and, if necessary, followed by a detailed inquiry. It is crucial that the bureau thoroughly examine all allegations of harassment to uphold the integrity of the work environment and reinforce Counsel's commitment to maintaining a harassment-free workplace.
- I. **Inquiry Report.** A detailed written report that will be prepared by the Anti-Harassment Coordinator or designee, depending on the nature of the detailed inquiry. The information contained in the inquiry report should include a summary of all investigative steps taken and evidence gathered. The report does not render judgment on the allegations or evidence of harassment and does not contain any recommendations to the Reviewing Official; it merely sets forth the relevant facts, as revealed through the detailed inquiry. The report should contain all available evidence, including signed statements and/or summaries of interview, emails, pictures, etc.
- J. **Protected Groups:** Groups protected from employment discrimination by law on the basis of on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, age (beginning at age 40), disability, pregnancy accommodation, genetic information (including family medical history), or protected EEO activity.
- K. **Retaliatory Harassment.** Retaliatory harassment is harassing conduct based on a person's prior protected EEO activity. One type of protected activity is participation: an individual is protected from retaliation for having filed an EEO complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under federal anti-discrimination laws. Another type of protected activity is reasonable opposition to any practice made unlawful under federal anti-discrimination laws. Additionally, requesting a reasonable accommodation for a disability or religious belief is protected activity. Retaliatory harassment may be unlawful even if it is not severe or pervasive enough to create a hostile work environment, as long as it might deter a reasonable person from asserting his or her EEO rights.
- L. **Sexual Harassment.** Sexual harassment refers to unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Such conduct constitutes harassment when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

- ii. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individuals; or
- iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexually harassing conduct include, but are not limited to:

- A manager or supervisor conditioning a promotion, job assignment, or other tangible job benefit on acquiescence to unwelcomed sexual conduct, or penalizing an individual for refusing to participate in such conduct;
- Sexist or stereotypical remarks about a person's clothing, body, appearance, or activities;
- Sexually oriented jokes, stories, remarks, or discussions;
- Descriptions of sexual acts;
- Posting or displaying sexually graphic pictures anywhere in the workplace;
- Deliberately touching, pinching, patting, or giving inappropriate looks to another person;
- Pressure for dates or sexual activity;
- Unwelcome telephone calls, email messages, social network postings or letters of a sexual nature; or
- Demands for sexual favors.

M. **Unlawful Harassment**. Unlawful harassment includes unwelcome intimidation, ridicule, insult, or physical conduct based on a protected group where:

- i. Such conduct by a supervisor culminates in a tangible employment action (i.e., a significant change in employment status or benefit); or
- ii. The conduct is sufficiently severe or pervasive as to alter the terms, conditions, or privileges of the employee's employment;

unreasonably interfere with work performance; or otherwise create a hostile work environment. Common workplace occurrences, such as workplace changes or restructuring, directions to perform work or to comport oneself appropriately or issuing performance appraisals, are unlikely to rise to a violation of law. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of unlawful harassment. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person. However, harassing conduct that is not unlawful may serve as the basis for disciplinary action.

Examples of harassing conduct include, but are not limited to:

- Epithets; slurs; stereotyping or threatening, intimidating, or hostile acts that relate to an individual's protected group status;
- A practice or repeated instances of jokes or pranks that are hostile or demeaning and are based on an individual's protected group status; and
- Written or graphic material that degrades or shows hostility or aversion toward an individual or group because of their protected group characteristics and is displayed on walls, bulletin boards, or other locations or is circulated in the workplace.

A single utterance of an ethnic, sexual or racial epithet that offends an employee generally would not be severe enough to constitute unlawful harassment in violation of Title VII or any other anti-discrimination statute. However, it is the policy of the Department of Treasury and Counsel that such conduct is inappropriate in the workplace and should not be tolerated.

Conduct that is generally not covered by this policy:

- Reasonable management actions and/or management directives and assignments of work generally are not harassment and typically will not be conduct covered by this policy.—For example, reasonable management actions include providing performance feedback, directing the work of employees, directing employees to meet with a manager, advising of conduct or time and attendance concerns, monitoring or tracking these concerns and/or maintaining the work area/work.

IV. **PROCEDURES**

A. Reporting Harassment

Allegations may be reported to supervisors; managers; Counsel Labor Relations; the Anti-Harassment Coordinator; or through Counsel's harassment hotline number. Both affected person(s) and witness(es) may report harassment through the above channels.

- i. An affected person who believes he or she is being harassed should immediately report the matter through any of the channels described above. If the first-line supervisor is the alleged harasser, an affected person should report the matter to the next manager in his or her chain of command; a higher-level management official; Counsel Labor Relations; the Anti-Harassment Coordinator; or through Counsel's harassment hotline number. The report of the allegation should include the specific nature of the incident, date and place of the incident, names of parties involved, and pertinent facts. A report of harassment can be made orally or in writing, through a written account or through use of the harassment intake form (Appendix A). Affected persons who make a report of harassment orally may be required to also submit the harassment intake form, which should be submitted either to the Anti-Harassment Coordinator or through the first line supervisor (where a conflict doesn't exist).
- ii. Witnesses to alleged incidents of harassment may also report these incidents pursuant to these procedures. Witnesses should report observed harassing conduct to his or her own supervisor or manager; to the supervisor or manager in the affected person's chain of command; Counsel Labor Relations; the Anti-Harassment Coordinator; or through Counsel's harassment hotline number. Witnesses may be expected to provide a written description of the alleged incident(s) of harassment to the Anti-Harassment Coordinator or designee (through either written narrative or the Anti-Harassment Intake form).
- iii. If the affected person first raises a complaint of harassment in the EEO counseling process, the EEO Officer or designee will promptly notify the Anti-Harassment Coordinator of the allegations in order for the Anti-Harassment Coordinator to initiate an inquiry and inform the employee of the notification. Initiation of the anti-harassment inquiry procedures will not stop or postpone the EEO process.
- iv. The affected person's personal or union representative may report incidents of harassment on behalf of the affected person pursuant to these procedures. Any bargaining unit employee may request union representation at any time during these procedures in accordance with existing laws and collective bargaining agreements. Any non-bargaining unit employee may request personal representation at any time during these procedures.
- v. Any supervisor, manager, or Counsel Labor Relations employee who

receives a report of alleged harassment or otherwise becomes aware of harassment, or an allegation of the same, shall immediately refer the matter to the Anti-Harassment Coordinator.

- vi. If an affected person informs a supervisor, manager, or Counsel Labor Relations about alleged harassment but asks him/her to keep the matter confidential and take no action, the individual receiving the allegation must notify the Anti-Harassment Coordinator immediately. The supervisor, manager, or Counsel Labor Relations employee receiving the information should inform the allegedly harassed individual that they cannot keep the information confidential. The Anti-Harassment Coordinator must inform the affected person of management's obligation to take appropriate action to end improper conduct. Appropriate action by management is described in more detail in Section IV.B (below).
- vii. If the allegation involves an affected person or an alleged harasser who is not a Counsel employee, the individual receiving the allegation shall promptly contact the Anti-Harassment Coordinator to determine the appropriate course of action, including how the appropriate employer will be notified.
- viii. Reporting Allegations of Sexual Harassment:
 - a. If an allegation of sexual harassment is raised during an inquiry under these procedures; during the EEO counseling process; or directly to a manager, supervisor, or Counsel Labor Relations, the person to whom the allegation is raised should immediately notify the Anti-Harassment Coordinator. The Anti-Harassment Coordinator will notify the Treasury Inspector General for Tax Administration (TIGTA) of the allegation within ten (10) calendar days of receipt. TIGTA will determine if a separate investigation is warranted.
 - b. Notifying TIGTA does not terminate or postpone the ongoing sexual harassment inquiry unless TIGTA notifies Counsel that it has opened an investigation. When TIGTA takes jurisdiction over the sexual harassment allegation(s), Counsel's sexual harassment inquiry will cease. TIGTA's assumption of jurisdiction over the sexual harassment allegation(s) does not affect the EEO counseling and/or complaint process.

B. Immediate Response

- i. An initial inquiry of the allegations will be made by the Anti-Harassment Coordinator to determine whether the alleged conduct is covered under this policy. While all allegations will receive an initial inquiry by the Anti-Harassment Coordinator, not all conduct is covered by this policy and subject to a formal inquiry. If the alleged conduct is not covered by this policy, the Anti-Harassment Coordinator shall notify the complaining employee of the

determination. If the alleged conduct is covered by the policy, the Anti-Harassment shall initiate a detailed inquiry following the steps provided below.

- ii. The Anti-Harassment Coordinator will communicate with the affected person within two (2) business days of receiving notice of the allegation(s). The Anti-Harassment Coordinator will send the affected person an email explaining Counsel's anti-harassment policy and an employee's right to seek representation. The email will also request that the affected person submit either the anti-harassment intake form or a statement describing in detail what occurred (including the specific nature of the incident, the date and place of the incident, the names of the parties involved, and all pertinent facts) and whether he/she still believes harassment and/or inappropriate conduct exists. The affected person will be given three (3) business days to respond to the email and seek representation, if any.
- iii. The Anti-Harassment Coordinator will inform the affected person of his or her right to seek counseling from the appropriate EEO office and the timeframes for doing so. The Anti-Harassment Coordinator shall explain that the purpose of an inquiry is to take appropriate actions to end improper conduct, while the EEO process is designed to make the employee whole or provide remedial relief.
- iv. The Anti-Harassment Coordinator, in coordination with Counsel management, will promptly determine the appropriate Reviewing Official of the detailed inquiry. Information necessary to identify a Reviewing Official may include the identity of the alleged harasser as well as others that may have been aware of the allegations.
- v. The Anti-Harassment Coordinator shall promptly assess the situation to determine the nature of the allegation and identify what action(s), if any, should be immediately taken. The affected person or an individual who cooperates during an inquiry should not be involuntarily transferred to another position pending the inquiry and review of the harassment allegations, or otherwise treated adversely or subjected to any form of retaliation in response to his/her allegations of harassment or cooperation.
- vi. The Anti-Harassment Coordinator will inform the alleged harasser that an allegation has been made, describe the nature of the allegation, and explain that any conduct, not based on a legitimate non-discriminatory reason, must immediately cease.
- vii. The Anti-Harassment Coordinator will inform the alleged harasser of the prohibition against retaliation against any person for raising allegations of harassment or participating in the inquiry regarding such allegations.

- viii. Depending on the allegations raised and the individuals involved, the affected person and alleged harasser may be instructed to refrain from initiating work-related contact with each other (in person, via email, or by telephone) pending the outcome of the inquiry. In order to recognize that not all situations require an absolute prohibition on communications, management has discretion to tailor an appropriate response to the situation at hand. The scope and parameters of this limitation should be determined based on the severity of the allegations raised, and in consultation with Counsel Labor Relations, General Legal Services (GLS), and appropriate members of the affected person's and/or alleged harasser's chain of command.
- ix. The Anti-Harassment Coordinator will advise all persons involved of the confidentiality of the inquiry and that the harassment allegations and the identity of all involved, particularly the affected person(s) and alleged harasser(s), will only be revealed to persons on a "need to know" basis, sufficient to determine the facts surrounding the allegation and to take appropriate action.
- x. The Anti-Harassment Coordinator will inform the affected person and the alleged harasser that the Agency is obligated to conduct an appropriate inquiry, including preparation of an inquiry report, regardless of the manner in which the allegations came to management's attention, regardless of whether the allegations rise to the unlawful discrimination, and regardless of the affected person's desire that the allegations remain confidential or not be reported.
- xi. The Anti-Harassment Coordinator will afford the alleged harasser three (3) business days after initial notification by the Anti-Harassment Coordinator to seek representation before meeting with the individual conducting the inquiry.

NOTE: All supervisors and managers; Counsel Labor Relations; and the Anti-Harassment Coordinator must report threats of violence, actual assaults, or any acts of violence immediately to TIGTA. In addition, as described in Section IV.A.viii, any allegation(s) of sexual harassment must be reported to TIGTA.

- xii. When warranted, management will take immediate appropriate action to prevent further harassment from occurring during the inquiry. Such action by management may include:
 - a. Making changes to work schedules to avoid contact between the affected person and the alleged harasser.
 - b. Temporarily transferring the alleged harasser to another location or to a different assignment.
 - c. When circumstances do not permit the physical separation of the

alleged harasser and the affected person, pending the outcome of the inquiry, the alleged harasser may be instructed to telework if the alleged harasser is a participant in Counsel's telework program or granted appropriate leave.

- d. Where the alleged harassment involves conduct that may be criminal in nature (e.g., assault or battery), the matter should be immediately referred to TIGTA and the Anti-Harassment Coordinator. In situations where TIGTA initiates an investigation, any inquiry conducted under these procedures will be conducted in coordination with and authorized by TIGTA.

C. **Inquiry**

Allegations of harassment will be reviewed in a prompt, thorough, and impartial manner. Generally, the Anti-Harassment Coordinator will ensure any initial and/or detailed (if applicable) inquiry into the allegations begins within ten (10) calendar days of notification of the allegation and, absent extenuating circumstances, concludes within thirty (30) calendar days of the notification.

- i. The Anti-Harassment Coordinator, or designee, must remind the affected person, alleged harasser, and any other persons interviewed about the following, prior to the start of the interview:
 - a. Counsel prohibits retaliation against affected individuals or those cooperating in the process;
 - b. Disclosures made during the inquiry are on a "need to know" basis and interviewees should refrain from disclosing their involvement in the process except on a "need to know" basis; and
 - c. Any interviewee will be required to certify the accuracy of his/her written statement, or of the interview summary prepared by the Anti-Harassment Coordinator, or his/her designee, in accordance with Appendix B.
- ii. The Anti-Harassment Coordinator, or designee, must complete summaries of any interviews conducted and obtain signatures from interviewed persons attesting to the accuracy of the summaries, or obtain signed statements, affidavits, declarations, or transcribed interviews, under oath, as appropriate. If an interviewed person refuses to attest to the accuracy of the information that he or she provides to the Anti-Harassment Coordinator or designee, that will be reflected in an interview summary or other document prepared by the Anti-Harassment Coordinator, or designee, and such document may still be included in the inquiry report for consideration by the Reviewing Official. In such situations, the Anti-Harassment Coordinator, or designee, must ask the interviewed person to explain his/her refusal for attesting to the accuracy of

the document and include such explanation in the inquiry report.

NOTE: Generally, an interviewee, (i.e., affected person, alleged harasser, witness), will not be provided a copy of the report, or other materials generated or obtained in the course of the inquiry. An interviewee may be provided with a copy of the written statement he or she provides or the summary of his or her interview prepared by the Anti-Harassment Coordinator or designee. The inquiry report and information gathered during the inquiry will be made available to an EEO Investigator if a formal EEO complaint is made on the same or related issue(s). It may also be provided to TIGTA or law enforcement.

- iii. In accordance with all applicable laws and regulations, all employees, including supervisors and managers, are required to cooperate in an inquiry regarding allegations of harassment. The Anti-Harassment Coordinator shall consult with Counsel Labor Relations regarding any refusal to cooperate in an inquiry.
- iv. Employees who are members of bargaining units represented by a union will be afforded any applicable rights and procedures required by law and under collective bargaining agreements during the inquiry, including the right to be represented during an interview.

D. Reviewing Official

- i. The Reviewing Official must promptly:
 - a. Review the inquiry report;
 - b. Consult with Counsel Labor Relations;
 - c. Determine if the report demonstrates whether any harassment occurred;
 - d. Communicate with the Anti-Harassment Coordinator on the overall determination and,
 - e. Take any appropriate corrective action, if warranted.

NOTE: In some circumstances, it may be difficult for a Reviewing Official to reach a determination because of contradictory information and a lack of documentary or eyewitness corroboration. In such cases, the Reviewing Official should consult with Counsel's Director of Labor Relations.

- ii. Corrective action, if warranted, should be designed to stop the harassment.

Appropriate disciplinary action, properly documented, will be taken in all cases where improper conduct is found to have occurred. If it is determined

that discipline is warranted, information from the inquiry that is the basis for the disciplinary action must be shared with those against whom disciplinary or adverse action has been proposed.

NOTE: In the event the alleged harasser is not a Counsel employee, the Anti-Harassment Coordinator will coordinate corrective action with the appropriate employer; such action may include termination of the alleged harasser's access to Counsel facilities and equipment.

- iii. If the Reviewing Official concludes that harassment has occurred, and takes corrective action, he/she shall notify the affected person that corrective action has been taken (without revealing either that any disciplinary action against the alleged harasser has occurred, or any other specific information that would violate the privacy rights of the alleged harasser), and encourage the affected person to immediately report any further harassment or retaliation.
- iv. If the Reviewing Official concludes that harassment has not occurred, the Anti-Harassment Coordinator will inform the affected person, witnesses (if any were interviewed), alleged harasser, and their respective chain(s) of command, that the harassment allegations were not supported by the information collected during the inquiry; and any other actions as necessary or appropriate.
- v. Regardless of the conclusion, the Anti-Harassment Coordinator will inform the affected person and the alleged harasser of the prohibition against retaliation against anyone who reported allegations of harassment, and/or participated in the inquiry.
- vi. The Reviewing Official will coordinate with the Anti-Harassment Coordinator and provide documentation and reasoning for the conclusion reached, which will be placed in the internal agency file with other documents related to the claim. Records and evidence gathered during the inquiry will be treated as confidential records and maintained in accordance with the applicable record retention laws, regulations and policies, including the Privacy Act.
- vii. Information gathered during an internal harassment inquiry may be made available to the EEO Investigator, if an EEO complaint is filed and accepted by the Department of the Treasury on the same or related matter.

V. **PROTECTION AGAINST RETALIATION**

Retaliation against any person who reports harassment, or who participates in an inquiry, is prohibited and may result in disciplinary action, up to and including removal.

VI. **REVIEW DATE**



IRS-Office of Chief Counsel

ANTI-HARASSMENT INTAKE FORM/REPORT

The mission of the Office of Chief Counsel is to provide effective legal advice to the IRS and to serve taxpayers fairly and with integrity. Fundamental to our mission is our obligation to honor the diversity of our workforce and ensure all employees are treated with respect and dignity.

Use of this form is voluntary. Should you use this form, please provide any supplementary information as an attachment to this form. The Anti-Harassment Coordinator will contact you, if you are self-reporting, or the Affected Person within two (2) business days of receipt of this signed form.

A. COUNSEL EMPLOYEE MAKING THE REPORT OF ALLEGED PROHIBITED CONDUCT

If you are an individual self-reporting or a witness reporting alleged harassment, please skip to Section B. An asterisk indicates a required item

1. *Name: _____
Last First
2. *Position Title: _____
3. *Business Unit: _____
4. *Email Address: _____
5. Phone Number: _____
6. *Date and Time Information Reported: _____

B. INDIVIDUAL REPORTING ALLEGED PROHIBITED HARASSING CONDUCT INFORMATION

1. *Name: _____
Last First
2. Position Title: _____
3. Business Unit: _____

4. Phone Number: _____
5. Location (building, office, room, virtual, etc.): _____
6. *Email address: _____
7. *Do you believe that the alleged harasser(s) is/are a threat to your safety and well-being, or the safety and well-being of others?
- ☐ Yes
- ☐ No
8. *Was the harassing conduct directed at you or someone else?
- ☐ Self-Reporting/You
- ☐ Witness Reporting/Someone Else
- If reporting as a witness, please provide the following information on the individual you believe is being harassed:
- *Individual's Name: _____
- Last First
- Departmental Element: _____
9. Location the alleged harassment took place (building, room, virtual, etc.): _____

C. ALLEGED HARASSER INFORMATION

1. *Name: _____
Last First
2. Position Title: _____
3. Departmental Element: _____
4. Phone Number: _____
5. Email: _____
6. Worksite: _____

C1. ADDITIONAL ALLEGED HARASSER INFORMATION

If you are reporting only one alleged harasser, please skip to Section D.

1. *Name: _____
Last First
2. Position Title: _____

3. Departmental Element: _____
4. Phone Number: _____
5. Email: _____
6. Worksite: _____

If there are additional harassers implicated, please provide their information in a supplemental document.

D. PROHIBITED HARASSING CONDUCT INFORMATION

Counsel Supervisors and Managers completing this form on behalf of an individual alleging prohibited harassing conduct are highly encouraged to complete Section D in coordination with the individual.

1. *What date(s) did the alleged prohibited harassing conduct occur? _____
2. *Please describe the alleged prohibited harassing conduct:

3. *On which protected status do you believe the alleged prohibited harassing conduct was based? (Mark all that apply.)

- | | |
|--|---|
| <input type="checkbox"/> Religion | <input type="checkbox"/> Marital status |
| <input type="checkbox"/> Sex (including pregnancy and gender identity) | <input type="checkbox"/> Genetic information (including family medical history) |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Political affiliation |
| <input type="checkbox"/> Race/National Origin/Color | <input type="checkbox"/> EEO Protected activities (Reprisal) |
| <input type="checkbox"/> Disability | <input type="checkbox"/> None of the above |
| <input type="checkbox"/> Status as a parent | <input type="checkbox"/> I don't know |
| <input type="checkbox"/> Age | |

4. Please describe why you believe the alleged harassment was based on a protected status:

5. *Was this an isolated incident or a pattern of similar?

☐ Isolated Incident

☐ Pattern

☐ Unknown

If a pattern, please describe the pattern, including dates of previous incidents, if known:

6. *How did you respond to the behavior/event? Please describe:

7. *Did you alert the alleged harasser of their actions?

If your answer to above was yes, what was their response? Please describe in detail and include any statements that were made:

8. How did this conduct/behavior affect you? How did it make you feel?

9. *Have you previously reported this behavior or related acts of prohibited harassing conduct by the same individual(s) to a management official? If yes, please identify the individual(s) to whom you reported, the date(s) of the report(s), and the resolution(s), if any:

10. Can you identify other individuals with knowledge of the alleged conduct or other actions/behaviors by the alleged harasser(s) in the past? If yes, please identify those individuals and what they reportedly observed, heard, or experienced below.

11. Are there any documents or physical evidence that may support the report of prohibited harassing conduct? If yes, please describe:

12. Is there any additional information related to this intake form/anti-harassment report that you would like to provide? Please note that you may provide additional information to the Anti-Harassment Coordinator any time during anti-harassment inquiry.

ACKNOWLEDGEMENT AND SIGNATURE

*I acknowledge that I am responsible for providing the information contained in this report to the applicable Anti-Harassment Point of Contact or appropriate management official, and that until I do so, I have not formally reported this incident in accordance Office of Chief Counsel Anti-Harassment Policy, dated May 1, 2019

Signature

These procedures will be reviewed three (3) years from the date of approval to ensure that they are meeting their stated purpose. Failure to conduct such review within the specified period will not void the requirements and procedures contained in these procedures.

VII. **TRAINING**

All managers and supervisors are required to complete annual training on these procedures.

VIII. **REFERENCES**

- i. The Department of the Treasury's *Procedures for Addressing Allegations of Discriminatory Harassment*, CRD-009, dated February 25, 2021
- i. Chief Counsel's May 1, 2019, Anti-Harassment Policy Statement, available at <https://ccintranet.prod.irsounsel.treas.gov/OrgStrat/Offices/FM/HRD/EEO/AntiHarassment/Anti-Harassment%20Policy%20statement%20signed.pdf>
- ii. 29 C.F.R. Part 1614, Federal Sector Equal Employment Opportunity
- iii. 5 C.F.R. Part 752, Adverse Actions
- iv. EEOC's Enforcement Guidance: "Enforcement Guidance on Harassment in the Workplace" (April 29, 2024), available at [Enforcement Guidance on Harassment in the Workplace | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](https://www.eeoc.gov/enforcement/guidance/harassment-workplace)
- v. 2018 Counsel—NTEU Agreement

IX. **APPENDIX**

- A. Anti-harassment Intake Form
- B. Notice for Employees Being Interviewed

Appendix B—Notice for Employees Being Interviewed

This is an official administrative inquiry regarding information pertaining to allegations of harassment, as defined in the Treasury's Procedures for Addressing Allegations of Discriminatory Harassment dated February 25, 2021, and Counsel's Procedures for Addressing Allegations of Workplace Harassment dated May XX 2024. The purpose of this interview is to obtain information that will assist in the determination of whether the alleged harassment occurred.

Treasury and Counsel Procedures requires that the confidentiality of harassment allegations and the identity of the affected person and alleged harasser will be protected to the extent possible and will only be revealed to only persons with a need to know. In accordance with Treasury and Counsel Procedures, you must not discuss this interview with anyone, other than your personal or union representative, if any, your spouse, partner or other family members, with any Counsel management, Counsel Labor Relations, or other Counsel officials involved in this inquiry, or with any other person you choose to communicate with regarding this matter in the exercise of a right provided by law.

Any bargaining unit employee may request union representation at any time during these procedures in accordance with existing laws and collective bargaining agreements.

In addition, pursuant to 5 U.S.C. 2302(b)(13), these provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive Order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General [TIGTA] or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

You are going to be asked several questions regarding the alleged harassment. You have a duty to cooperate with this inquiry, and to respond fully and accurately to such questions. Should you refuse to cooperate with this inquiry, or knowingly submit false information, you may be subject to disciplinary action.

The information you provide may be made available to other persons with a need to know, in accordance with the applicable laws and regulations. Retaliation against any person who reports harassment, or who participates in an inquiry, may result in disciplinary action, up to and including removal.

ACKNOWLEDGEMENT

I have read and understand my obligations as set forth above.

Date

Signature