



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 18, 2023

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: The U.S. Environmental Protection Agency's Anti-Harassment Policy Statement

FROM: Michael S. Regan

A handwritten signature in black ink that reads "Michael S. Regan".

TO: All EPA Employees

The U.S. Environmental Protection Agency seeks to be a model employer by addressing and preventing workplace harassment, promoting equal employment opportunity and creating and maintaining a safe and inclusive work environment. The foundation of the EPA's anti-harassment policy depends on all EPA employees being committed to ensuring a workplace that is safe and free of harassment. Crucial to this, all EPA leaders must take corrective action to prevent or eliminate unwelcome conduct before it rises to the level of unlawful harassment.

As Administrator, I want to reiterate the importance of our zero-tolerance anti-harassment policy. Harassment includes any inappropriate, unwelcome conduct – verbal or physical – which reasonably could be considered to adversely affect the work environment or terms and conditions of the affected person's employment or an employment decision impacting upon an affected person.*

Harassment based on race, color, religion, sex (including pregnancy, gender identity and sexual orientation), national origin, disability, age, genetic information, parental status, marital status, political affiliation or prior protected EEO activity is prohibited by law. In addition to violating the law, workplace harassment negatively affects the EPA's workforce, culture and mission. Therefore, the EPA will not tolerate any other type of harassment that is threatening, intimidating or bullying.

A key element of creating a safe workplace environment is the willingness of the workforce to report incidents when they occur, without stigma or fear of retaliation. I want to assure you that the EPA keeps the identity and statements of individuals who report harassment, alleged victims, witnesses and harassers confidential to the extent possible by law.

Further, it is illegal to retaliate against affected persons for engaging in EEO-protected activity, which includes taking part in the harassment complaint process. The EPA supports two processes to combat harassment in the workplace, whereby employees can ask questions about the process and/or complain of unwelcome behavior.

The Office of Civil Rights manages the first avenue. Any employee or applicant for employment may use the EEO discrimination complaint process to file a complaint of harassment based on membership in a protected EEO class identified in 29 CFR §1614.101. To invoke the EEO process, an affected person must contact OCR within 45 calendar days of an alleged incident of harassment. For questions related to the EEO complaint process, please contact OCR at (202) 564-7272.

The Office of Mission Support, Office of Human Resources, Labor and Employee Relations Division manages the second avenue. EPA Order 4711, *Procedure for Addressing Allegations of Workplace Harassment*, describes the EPA's administrative process for reporting, investigating and taking immediate and appropriate corrective action to address harassment claims. For questions related to EPA Order 4711, please contact LERD at (202) 564-4606.

I encourage you to start the OCR and/or LERD processes, even if you are not sure if the conduct you are concerned about violates the Anti-Harassment Policy. The EPA must conduct investigations promptly, impartially and thoroughly. It is our policy that an inquiry begins within 10 days of notification of all harassment allegations, including those initially raised in the EEO complaint process.

All employees must cooperate with EPA investigations into alleged harassment. I continue to expect all assistant administrators, associate administrators, regional administrators, their deputies, and other senior executives and managers to be knowledgeable about the EEO complaint process and EPA Order 4711.

Additionally, OCR produces a series of anti-harassment training and listening sessions that focus on different EEO protected classes. OCR sends mass mailer invitations for these interactive programs to all employees.

In conclusion, we must work together to foster a safe and productive workplace. Thank you for your commitment to ensuring the EPA's workplace is free of unlawful and prohibited harassment.

*An affected person is defined in EPA Order 4711 as follows: federal employee, an applicant for employment, a grantee employee, a contractor employee, an EPA Federal Advisory Committee Act member, a Senior Environment Employee enrollee, a student volunteer or intern or a Public Health Service officer who believes they have been subjected to harassment in the course of employment or performance of agency-related functions.