



Office of the Attorney General  
Washington, D. C. 20530

October 9, 2015

MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE EMPLOYEES

FROM: THE ATTORNEY GENERAL

Subject: Prevention of Harassment in the Workplace

**POLICY MEMORANDUM # 2015-04**

**PURPOSE:** Renews policy that the Department will tolerate no form of harassment and ensures that no employee is subjected to retaliation because he or she has alleged unlawful harassment or assisted in any inquiry about such allegations. The policy directs managers and supervisors to take immediate and appropriate corrective action to address all allegations of harassment and retaliation and to be accountable for failure to do so.

**SCOPE:** All Department components

**POLICY:** The Department of Justice will maintain a zero tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other impermissible factor. The Department also will ensure that no employee is subjected to retaliation because he or she has alleged unlawful harassment or assisted in any inquiry about such allegations. Managers and supervisors must take action quickly to respond to allegations of harassment or retaliation.

I want to take this opportunity to reiterate the Department of Justice policy of maintaining a work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other impermissible factor. It is also the Department's policy to ensure that no employee is subjected to retaliation because he or she has alleged unlawful harassment or assisted in any inquiry about such allegations. The Department will tolerate no form of harassment and will take immediate and appropriate corrective action to address it.

Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

To enforce this zero tolerance policy, the Department will treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment. Even where a single utterance of an ethnic, sexual, racial, or other offensive epithet may not be severe enough to constitute unlawful harassment in violation of Title VII, it is the Department's view that such conduct must be prevented whenever possible through awareness, robust policies and effective and appropriate follow-up, investigation, and enforcement of the zero tolerance policy. The Department will not tolerate retaliation against any employee for making a good-faith report of harassing conduct or for participating in any inquiry about such a report.

Any employee who believes that he or she has been subjected to harassment should report such behavior immediately to a supervisor or higher level manager, the personnel officer in their office, or the individuals identified by their office to manage harassment allegations. Employees may also seek assistance from their Equal Employment Opportunity Office, the Office of Professional Responsibility, or the Office of the Inspector General. In addition, employees in a collective bargaining unit may seek assistance through appropriate provisions of their collective bargaining agreement. Employees who want to file a formal complaint of harassment and preserve their legal rights must contact their component's Office of Equal Employment Opportunity within 45 days of the alleged unlawful harassment. The Department will protect the confidentiality of employees bringing harassment claims to the extent possible.

DOJ managers and supervisors must set the example in their organization by ensuring that the workplace is free of such behavior. Every manager and supervisor must:

- Be mindful of the potential for harassment in his or her work environment;
- Take all necessary steps to prevent harassment from occurring;
- Ensure that, if harassment does occur, it is eliminated in a manner that is prompt and effective but minimizes the effect on the victim to the extent possible;
- Be unbiased and not retaliate against employees who report harassing conduct or participate in any inquiry about such a report; and
- Take appropriate steps to hold those who engage in harassing conduct accountable.

Appropriate corrective action will be swift against any DOJ employee who engages in harassment. Likewise, disciplinary action will be taken against supervisors and managers who either condone or fail to act promptly to report or correct harassing conduct brought to their attention.