



JAN 20 2016

MEMORANDUM FOR All Employees

From: Willie E. May 
Director

Subject: National Institute of Standards and Technology's Zero Tolerance Harassment Policy Statement

The Department of Commerce and NIST do not tolerate discrimination or harassment based on race, color, religion, sex (including sexual harassment and pregnancy discrimination), sexual orientation, gender identity, national origin, age (40 years of age and over), genetic information or disability (physical or mental), including the provision of reasonable accommodations for qualified applicants and employees with disabilities. Retaliation against those who initiate discrimination complaints, serve as witnesses, or otherwise oppose discrimination and harassment is also strictly prohibited.

Even in the absence of a tangible job action, treating someone differently because of one of these protected characteristics can rise to the level of unlawful harassment through the creation of a hostile work environment if the behavior is: directed at a person because of a protected characteristic; unwanted; and sufficiently severe or pervasive so as to interfere with the terms or conditions of a person's employment. Harassment is a form of discrimination that can include unwelcome, unsolicited, persistent, pervasive, verbal or non-verbal, and/or physical conduct that has the purpose or effect of creating or contributing to an intimidating, hostile, or offensive work environment; unreasonably interfering with work performance; or negatively affecting employment opportunities. Harassment tends to be an offense of a repetitive nature although one incident may constitute harassment if sufficiently serious. Activities that could be considered harassment may include, but are not limited to, derogatory or suggestive comments which are offensive in nature and disruptive and counterproductive to the NIST work environment. Slurs, gestures, and offensive posters, cartoons, pictures, and or drawings may be offensive and determined to be a form of harassment.

All NIST employees are strongly encouraged to report any incident they perceive to be prohibited harassment, to include incidents personally experienced and those witnessed. They may either report it to their immediate supervisor, a higher level supervisor or to the NIST Director of the Office of Human Resources Management (OHRM) as soon as the incident occurs. NIST managers and supervisors must immediately report any and all alleged, suspected, or perceived harassment, in writing, to the NIST OHRM Director. Failure by the manager or supervisor to comply with this reporting requirement could result in disciplinary or adverse action against the manager or supervisor for failure to adhere to the provisions of this policy. A manager or supervisor who receives any allegation of harassment, or perceives or suspects harassment, against an employee must inform the employee of his or her right to seek counseling from the NIST Civil Rights & Diversity Office. The employee should be informed that all counseling contacts must occur within 45 days from the date of the alleged harassing event. Any NIST employee found to have engaged in harassment will be subject to disciplinary action up to and including removal from the Federal service.