

Zero Tolerance Harassment Policy

NIST P 3200.00

Issue Date: 3/14/2019

Effective Date: 4/16/2013

PURPOSE

To ensure that NIST provides its employees with a work environment that is free from unlawful harassment.

SCOPE

This policy applies to all NIST employees.

LEGAL AUTHORITIES AND REFERENCES

- [Title VII of the Civil Rights Act of 1964, as amended;](#)
- [The Age Discrimination in Employment Act of 1967, as amended;](#)
- [The Rehabilitation Act of 1973, as amended;](#)
- [Executive Order 11478 \(as amended by EO 12106 and further amended by EO 13087\);](#)
and
- [Department Administrative Order \(DAO\) 202-955.](#)

POLICY

The Department of Commerce and NIST do not tolerate discrimination or harassment based on race, color, religion, sex, pregnancy, 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 harassment complaints, serve as witnesses, or otherwise oppose 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: unwanted, directed at a person because of a protected characteristic; and sufficiently severe or pervasive enough 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*; that unreasonably interferes with work performance; or negatively affecting employment opportunities.

All NIST employees are strongly encouraged to report any incident they perceive to be prohibited harassment, to include incidents personally experienced or those witnessed. They may report it to any supervisor or the Director of NIST's Office of Human Resources Management (OHRM). NIST supervisors must immediately report any alleged, suspected, or perceived harassment, in writing, to the NIST OHRM Director and gather facts needed to properly address the situation. Supervisors will work with OHRM in order to conduct a prompt, thorough, impartial inquiry and immediately implement an appropriate corrective action plan if they find harassment has occurred, while maintaining confidentiality to the extent possible. NIST will regularly train managers to recognize, report, and correct harassing behavior. A supervisor must also inform an employee of his or her right to seek counseling from the NIST Civil Rights and Diversity Office within 45 calendar days of the alleged incident. Supervisors should consult DAO 202-955 for a thorough explanation of their responsibilities.

 14 March 2019

Walt Copan
Director

Date