



DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Washington, DC 20004-2901

March 4, 2025

DEFENSE NUCLEAR FACILITIES SAFETY BOARD ANTI-HARASSMENT POLICY STATEMENT

The Defense Nuclear Facilities Safety Board (DNFSB) is committed to maintaining a workplace free from all forms of harassment and ensuring equal opportunity for all employees and applicants. All employees, contractors, and others performing official work for DNFSB must follow this policy and refrain from engaging in any harassing conduct.

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, 29 CFR § 1614.101(a), the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex¹, national origin, older age (beginning at age 40), disability genetic information, pregnancy, childbirth, or related medical conditions and reprisal/retaliation for engaging in protected activity or other factors not based on merit. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

¹ For the purpose of this policy, 'sex' is interpreted consistent with applicable federal law and binding legal precedent.

Prevention is the best tool to eliminate harassment in the workplace. Managers and supervisors are responsible for taking proactive steps to prevent and address unlawful harassment. They should communicate clearly to all employees that unwelcome or harassing behavior is unacceptable and will not be tolerated. DNFSB is committed to fostering an environment where employees feel empowered to raise concerns without fear of retaliation, and where those concerns will be taken seriously and addressed promptly. Employees are encouraged to inform the harasser directly that their behavior is unwelcome and must stop. In addition, employees should report harassment at the earliest stage to prevent escalation.

DNFSB provides multiple avenues for addressing harassment in the workplace, including the Anti-Harassment Program and the EEO Complaints Process. The Anti-Harassment Program is designed to prevent harassing conduct before it becomes severe or pervasive. Supervisors and managers must document, and report harassment claims to the Chief Human Resources Officer within 1 business day, or as soon as possible. Inquiries or investigations shall immediately begin and shall conclude within ten (10) business days. Investigations involving numerous witnesses and complex factual allegations may require more than ten (10) business days to conclude. This process is separate from the EEO Complaints Process but may run in parallel if both processes are initiated.

Employees may also file an EEO complaint with the DNFSB's Division of Civil Rights within 45 days of the alleged incident(s). The EEO Complaints Process addresses harassment claims based on protected EEO basis and allows for informal counseling/mediation within 30 to 90 days and formal investigation within 180 days.

The Chief Human Resources Officer serves as the Anti-Harassment Program Officer, receiving allegations of harassment and advising supervisors and managers on interim relief for the alleged victim pending the outcome of an inquiry. If there is a conflict of interest, the Executive Director of Operations (EDO), the Chair or Board members will serve as the program officer. The program officer will assign an internal or external person to conduct a prompt, thorough, impartial, and appropriate investigation. DNFSB's procedures for addressing harassing conduct are outlined in its Directive D-113.1 and Operating Procedure, OP-113.1, Anti-Harassment Program, dated January 24, 2020².

Managers and supervisors have the duty to act promptly to prevent and eliminate all types of harassment. All information obtained from allegations of harassment must be kept confidential to the greatest extent possible. Retaliating or discriminating against an employee for reporting, filing a complaint, or cooperating with an inquiry/investigation is prohibited and may result in appropriate administrative or disciplinary action. The Chief Human Resources Officer in consultation with General Counsel will make the final decision about the investigation method based on the complexity and scope of the allegation(s).

When an employee reports an alleged incident of harassment, the manager or supervisor in the chain of command is required to address the allegation promptly and impartially, ensure confidentiality to the greatest extent possible, and take appropriate steps to prevent retaliation. The harassment allegation may be made orally or in writing and should include the name of the alleged harasser, relevant facts, the date of the incident, and the names of any witnesses.

² Directive D-113.1 and Operating Procedure, OP-113.1, Anti-Harassment Program, dated January 24, 2020, currently lists the General Manager as the Anti-Harassment Program Officer. However, this position no longer exists due to a reorganization, and the Chief Human Resources Officer now serves in that role within the Anti-Harassment Program. These documents are scheduled for revision in 2025 to reflect this organizational change.

Employees, managers, or supervisors found to have engaged in harassing conduct may face appropriate disciplinary action, up to and including removal from Federal service. This policy does not limit a supervisor's or manager's right to manage effectively. Personnel actions taken by a supervisor or manager for valid and supportable reasons do not constitute workplace harassment.

DNFSB also promotes the use of the Alternative Dispute Resolution (ADR) process to resolve workplace disputes. The ADR process is used to resolve a wide range of workplace disputes, including EEO and grievance-related matters, in a cooperative, cost-effective, and timely manner. All employees are strongly encouraged to cooperate and engage in the ADR process when appropriate.

I am confident that, by exercising individual responsibility, we will be able to maintain a professional and positive work environment for everyone. To this end, I ask that all employees join me in implementing this policy and helping to ensure that all employees and contractors understand their rights under our policies and Federal law.

A handwritten signature in black ink that reads "Thomas A. Summers". The signature is written in a cursive style with a horizontal line underneath it.

Mr. Thomas Summers
Acting Chair