

# **Manager's Guide to Understanding, Investigating, and Preventing Harassment**

Publication 552

March 2010



**Steps for Managers to Address Workplace Harassment . . . . . 1**

**Overview of Steps . . . . . 2**

**Understanding Harassment . . . . . 7**

Purpose of This Guide . . . . . 7

Definition of Harassment . . . . . 7

Costs and Effects of Harassment. . . . . 8

Your Role as Management . . . . . 8

What Illegal Harassment Is. . . . . 9

Why You Must Know About Workplace Harassment. . . . . 9

Two Types of Illegal Harassment Under the Law . . . . . 10

    Tangible Employment Action or Quid Pro Quo Harassment . . . . . 10

    Hostile Environment Harassment . . . . . 10

        Definition and Examples . . . . . 10

        Crossing the Line Between Social Nuisance and Harassment . . . . . 11

Sexual Harassment . . . . . 11

    Examples of Sexual Harassment. . . . . 11

    The Problem of Perception . . . . . 12

    The Importance of Communicating That Words or Actions Are Unwelcome . . . . . 12

    Sexual Harassment and the Office Romance . . . . . 12

    Same-Sex and Sexual Orientation Harassment . . . . . 12

    Contractors, Vendors, and Other Third Parties . . . . . 12

**Retaliation Is Illegal . . . . . 13**

**What You Must Do to Prevent Workplace Harassment. . . . . 13**

Role and Responsibility of the Manager, Postmaster, and Supervisor . . . . . 13

Educate Yourself and Others . . . . . 13

Enforce Policies . . . . . 13

Maintain Confidentiality . . . . . 14

**Initial Management Inquiry Process at-a-Glance . . . . . 15**

**Initial Management Inquiry Process. . . . . 16**

Purpose . . . . . 16

Receiving the Complaint and Beginning the Inquiry . . . . . 16

Conducting the Interviews . . . . . 17

    Interviewing the Alleging Harassee . . . . . 17

    Interviewing the Alleged Harasser. . . . . 18

    Interviewing the Witnesses . . . . . 19

Evaluating the Information . . . . . 20

Maintaining Confidentiality and Documenting the Inquiry . . . . . 21

Consulting With Human Resources and Taking Remedial Action . . . . . 22

    Determination 1: Inquiry Is Inconclusive . . . . . 22

    Determination 2: Harassment Has Not Occurred . . . . . 23

    Determination 3: Harassment or Improper Conduct Has Occurred . . . . . 23

**Initial Management Inquiry Process Checklist. . . . . 25**

**Workplace Harassment Interview Guidelines . . . . . 26**

Interview With Alleging Harassee. . . . . 26

Interview With Alleged Harasser . . . . . 29

Interviews With Witnesses . . . . . 31

**Policy Statements, Regulations, and Publications . . . . . 32**



# Steps for Managers to Address Workplace Harassment

1	2	3	4	5	6
Respond Promptly	Obtain Information	Begin IMIP	Evaluate Information	Plan of Action	Follow Up
<p>If approached with a harassment complaint or situation, schedule a meeting in a private location.</p> <p>Review relevant:</p> <ul style="list-style-type: none"> <li>■ Information.</li> <li>■ Policies.</li> <li>■ Procedures.</li> </ul> <p>Listen objectively.</p> <p>Advise on:</p> <ul style="list-style-type: none"> <li>■ Confidentiality.</li> <li>■ Responsibility.</li> <li>■ Rights.</li> </ul> <p>Address sensitivity of situation during inquiry</p>	<p>Define:</p> <ul style="list-style-type: none"> <li>■ Issue.</li> <li>■ Nature.</li> <li>■ Scope.</li> </ul> <p>Consider:</p> <ul style="list-style-type: none"> <li>■ Safety issues.</li> <li>■ Reporting structure.</li> </ul> <p>Communicate EAP and EEO options.</p> <p>Inform and confer with Manager, HR, local district or area office (for HQ and HQ field units, next-higher-level manager).</p> <p>Discuss remedies.</p> <p>If further inquiry is warranted, proceed to IMIP.</p>	<p>Gather Initial Management Inquiry Process (IMIP) forms.</p> <p>Arrange separate interviews for all parties involved.</p> <p>Advise on IMIP process.</p> <p>Gather detailed data.</p> <p>Request that a written statement be prepared.</p> <p>Establish timelines for follow-up.</p> <p>If, in the course of this IMIP, you believe that the nature and scope of the complaint warrant outside investigation or that resolution is not feasible, you must refer complaint to Manager, HR, local district or area office (for HQ and HQ field units, next-higher-level manager).</p>	<p>Assess credibility of statements.</p> <p>Gather missing data.</p> <p>Identify the type of harassment discussed.</p> <p>Evaluate employment status change.</p> <p>Inform and confer with Manager, HR, local district or area office (for HQ and HQ field units, next-higher-level manager).</p> <p>Determine corrective action.</p> <p>If criminal action has occurred, notify Postal Inspection Service and local law enforcement.</p> <p>Report to the OIG any use of electronic devices, computer, or internet to transmit harassing communications.</p>	<p>Consult about remedies or discipline with Manager, HR, and Labor Relations (for HQ and HQ field units, next-higher-level manager).</p> <p>Ensure that the investigation was conducted properly.</p> <p>Deliver the determination separately to harasser and harassee.</p> <p>Emphasize:</p> <ul style="list-style-type: none"> <li>■ Retaliation is illegal.</li> <li>■ Report future incidents.</li> </ul> <p>Resolve issues.</p> <p>Document action taken.</p>	<p>Send IMIP documents to Manager, HR, local district or area (for HQ and HQ field units, next-higher-level manager).</p> <p>Maintain confidentiality.</p> <p>Convey Postal Service's Zero Tolerance Harassment Policy in:</p> <ul style="list-style-type: none"> <li>■ Remedial training.</li> <li>■ Stand-up talks.</li> <li>■ Staff meetings.</li> </ul> <p>Educate yourself and personnel on up-to-date policy.</p> <p>Enforce Postal Service policy.</p> <p>Follow up and monitor the workplace.</p>

## Overview of Steps

When encountering a harassment complaint or situation, **your role as a manager is to stop, listen, inquire, and try to resolve the harassment complaint.** Keep in mind that the employee is addressing a sensitive topic.

### 1

#### Respond Promptly

**RESPOND PROMPTLY** to the complaint regardless of its form or content. Remember that you could receive a complaint with no prior warning. Any report of harassment is enough to start an inquiry. So whenever possible:

1. Set time aside to discuss concerns.
2. Assess the location of the conversation due to its sensitive nature; be aware of your surroundings and the effect the environment can have on an individual's willingness to provide information.
3. Briefly review the information, policies, and procedures surrounding the issue being discussed.
4. Advise parties of confidentiality rights and their limitations; discuss your responsibility in handling the complaint.
5. Advise the alleging party that he or she has a right to report any inappropriate conduct without fear of retaliation and that you take harassment and allegations of harassment seriously.

### 2

#### Obtain the Information

Remember: Your responsibility is to ensure that a fair, impartial, prompt, and thorough investigation of the alleged misconduct takes place. In order to **OBTAIN THE INFORMATION** you need to begin the Initial Management Inquiry Process (IMIP), you should:

1. Determine preliminarily if the conduct being described would be considered harassment or inappropriate workplace behavior.
2. Assess the nature and scope of the problem in the workplace.
3. Determine whether there is a potential safety issue and if there is an immediate need to separate the parties involved or modify reporting relationships.
4. Inform the individual who reported the harassment of his or her Employee Assistance Program (EAP) options.
5. Inform the alleging harassee that he or she has a right to file a complaint with an Equal Employment Opportunity (EEO) Representative within 45 days of the inappropriate conduct.
6. Determine whether you can remedy the problem or whether a referral or involvement of a manager, supervisor, or Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager) is warranted.
7. Determine whether formal documentation is warranted.

### 3

#### Begin IMIP Process

If an inquiry is warranted, **BEGIN IMIP PROCESS.** Gather guideline forms provided in this publication. There is a separate form for each party involved (i.e., alleging harassee, alleged harasser, and witness). Conduct interviews with involved parties separately. Ask questions in an open-ended manner to allow for elaboration. Remain consistent throughout the process, as follows:

1. Interview the alleging harassee and the alleged harasser. Arrange a meeting in an appropriate location. Advise of confidentiality rights and their limitations. Advise that the allegations and the IMIP are taken very seriously.
  - a. For the alleging harassee — Establish that the person is comfortable having you handle the inquiry and discuss your responsibility in handling the complaint. Display candor and listen with an open mind. Do not form any judgments.

# 3

## Begin IMIP Process

(continued)

- b. For the alleged harasser — Advise that this is an initial inquiry to gather facts. Be fair and remain objective; remember the concept of “innocent until proven guilty.”
2. Gather information from both parties and take detailed notes of facts such as: who, what, where, why, when, type, time period, frequency, reaction, communication, impact, or adverse action.
3. Request that a written statement be prepared. However, this is not a prerequisite to taking action and is not a requirement if the alleging harassee refuses to document the incident.
4. Advise that retaliation is illegal, will not be tolerated, and will be reported.
5. Thank the alleging harassee, alleged harasser, and participating witnesses separately for their cooperation with the inquiry, and invite all parties involved to come back if they have more facts to provide.
6. Inform both the alleging harassee and the alleged harasser that you will keep them informed during the process and establish a timeline to follow up.
7. Be sure to use this guideline to document the interview appropriately, so you can be prepared to send your report to the Manager, Human Resources, local or area office (for HQ and HQ field units, the next-higher-level manager). Maintain confidentiality.
  - a. You must document all serious and recurring cases of alleged harassment and inappropriate action, including corrective actions taken.
  - b. Some complaints can be resolved simply between parties without a formal written record.
  - c. You are not required to document the interview for a minor, single incident. However, you should make a personal note of the incident and make sure that these confidential records are retained for further reference when necessary. When in doubt, document.
8. Do not insist on collaboration or detailed evidence. While helpful, its absence should not deter you from taking action.

# 4

## Evaluate Information

**EVALUATE INFORMATION**, review notes, and determine the next steps by doing the following:

1. Assess the credibility of all information collected. Ensure that the facts are based on observation and evidence rather than conclusion or assumption. Stick to the facts.
2. Consider whether you need to conduct further interviews to clarify inconsistencies or gather missing information.
3. Determine whether the employee suffered a significant change in employment status due to the alleged harassment (e.g., demotion, denial, or discharge).
4. Assess whether management knew or should have known about the harassment or inappropriate workplace behavior. Throughout the inquiry and resolution process, confer with the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager).
5. Determine corrective action in accordance with Postal Service policies, procedures, guidelines, rules, regulations, and collective bargaining agreements. Consult with your district or area Labor Relations office, as applicable. Remember that consistency in the application of discipline is critical.
6. In the event of possible criminal actions (such as physical assault or stalking), notify the Postal Inspection Service and local law enforcement. Report the use of any electronic device, computer, or the Internet to transmit threatening or harassing communications, indecent images, or materials to the Office of Inspector General (OIG).



## Plan of Action

Develop a **PLAN OF ACTION**, consult with Human Resources, and take remedial action as appropriate. Be sure to convey that the Postal Service is committed to eliminating harassment and inappropriate workplace behavior. It is your responsibility to see that a fair, impartial, prompt, and thorough investigation of the alleged misconduct has taken place. With regard to determinations:

1. If an inquiry is **INCONCLUSIVE** or shows that harassment or inappropriate workplace behavior **HAS NOT** occurred, inform both the alleging harassee and the alleged harasser (separately) of the determination and report the reasons for the conclusion.
  - a. When reporting to the alleging harassee:
    - Acknowledge that the harassee did the right thing by reporting the incident and/or cooperating with the inquiry.
    - Emphasize that if another incident occurs, he or she should report it immediately.
  - b. When reporting to alleged harasser:
    - Inform the harasser that nothing will be placed in his or her personnel folder.
2. If an inquiry shows that harassment or inappropriate workplace behavior **HAS** occurred:
  - a. Take prompt action to end current harassment or improper conduct:
    - Consult with the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager) and your field counsel or Labor Relations office on how to consistently determine the appropriate remedy or disciplinary action.
    - Resolve the problem and take remedial action, if necessary.
  - b. Inform both the alleging harassee and alleged harasser separately of the determination of the IMIP inquiry, the reason for the conclusion, and the actions to be taken.
  - c. When reporting to the harassee:
    - Acknowledge that the harassee did the right thing by coming forward and cooperating with the inquiry. Apologize to the employee on behalf of the organization, including upper management.
    - Emphasize that if another incident occurs, he or she should report it immediately.
  - d. Resolve the problem and take remedial action if necessary:
    - When a remedy is determined, administer the chosen remedy appropriately. Make sure that discipline is consistent with the severity of the conduct and is executed consistently.
    - Remedial actions may include: discussion, remedial training, letter of warning, suspension, transfers, demotion, and/or discharge.
    - Documentation is confidential:
      - For a minor, single incident, inform the harassee that the notes can be placed in the manager's personnel folder for future reference.
      - For a serious or recurring incident, inform the harassee that records will be kept for 4 years at the appropriate Human Resources office.



# 5

## Plan of Action

*(continued)*

3. Consulting with each party separately, assess whether all parties involved feel able to continue to work in the area. If not, consult with Manager, Human Resources, at the local or area office (for HQ and HQ field units, the next-higher-level manager) to explore the possibilities available.
4. Record the date and subject matter for your notes. Fully document actions taken on the appropriate guideline forms (on pages 26-31) and ensure that all IMIP files are sent, under confidential cover, to your Manager, Human Resources, at the applicable district or area office (for HQ and HQ field units, the next-higher-level manager) via Certified Mail™ service with Return Receipt, promptly upon completion. The Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager), will review the information to ensure that the inquiry is appropriately resolved. The files must be kept for 4 years after the management inquiry is completed.

**Note: Regardless of determination, in all cases reiterate that retaliation against any person for reporting or providing information on potential harassment is illegal and will not be tolerated.**

# 6

## Follow Up

Always **FOLLOW UP** in the workplace to ensure that employees are aware of and follow the appropriate standards of conduct and monitor the workplace openly for harassment issues. Seriously consider if:

1. Remedial training will address issue raised during the inquiry.
2. Periodic stand-up talks or staff meetings can be used as forums to reinforce your commitment and message of zero tolerance for harassment.



# Understanding Harassment

## Purpose of This Guide

This guide provides you, the manager, postmaster, or supervisor, with:

- A definition and examples of workplace harassment, including harassment that is illegal under federal discrimination laws.
- Information on costs and effects of harassment in the workplace.
- Investigative action you must take when you receive allegations of harassment or become aware of harassing behavior.
- Action you must take to stop any harassing behavior found in your investigation.
- The follow-up and appropriate corrective actions you must take.

## Definition of Harassment

The term *harassment* is commonly used by the general public and is also defined by law. Federal laws and the laws of each state define harassment, resulting in many different definitions. Because of this complexity, it is difficult to come up with a standard definition of harassment that is correct in every context. However, in general, harassment is unwelcome behavior directed at an individual, which the person finds offensive and harmful, and that a reasonable person would view as unwelcome or offensive.

Workplace harassment includes personal interactions characterized by bullying behaviors, personal attacks, acts of intimidation or threats, and behavior that may humiliate, embarrass, and belittle others. Harassment can take the form of verbal comments, actions, gestures, and displays. Usually the offensive behavior occurs often, over a period of time.

Illegal workplace harassment is harassment based on one or more of the bases protected by federal antidiscrimination laws, including Title VII of the Civil Rights Act, the Rehabilitation Act, and the Age Discrimination in Employment Act. These federal laws prohibit discrimination, which includes harassment based on race, color, religion, national origin, sex, age (40+), physical or mental disability. For example, sexual harassment is a type of harassment based on sex and is, therefore, prohibited by federal law. These laws also prohibit retaliation for participating in EEO activity.

To make you aware of the potential legal liability of the Postal Service for the behavior of its employees, the definition of illegal harassment under federal law and Equal Employment Opportunity Commission (EEOC) regulations and guidance is defined more fully on page 10. Be aware that Postal Service policy requires managers, supervisors, and postmasters to follow the procedures outlined in this publication. They must investigate, stop, and correct all forms of harassment and inappropriate behavior they become aware of — whether or not the behavior is illegal under federal law.

Be sure to read the *Postal Service Policy on Workplace Harassment*, which can be found at:

<http://blue.usps.gov/cpim/ftp/policy/dd/092506.pdf>; or

<http://blue.usps.gov/cpim/ftp/policy/dd/092506.pdf/welcome.htm>;

and the *Postal Service Policy Statement on Sexual Orientation, Gender Identification, and Gender Stereotyping*, which can be found at:

<http://blue.usps.gov/cpim/ftp/policy/dd/022106.pdf>; or

<http://blue.usps.gov/cpim/ftp/policy/dd/022106.pdf/welcome.htm>

## Costs and Effects of Harassment

Harassment, including harassing behavior that may not be illegal under federal law, undermines morale in the workplace. It undermines the morale of the individual being targeted, persons witnessing the harassment, and persons who hear about the harassment from the target and witnesses. Workplace harassment can affect a person's emotional and physical well-being, reputation, and physical safety. Targets of workplace harassment may experience stress, depression, low self-esteem, loss of sleep, and even post-traumatic stress disorder. Harassment can also impact the home environment of those affected at work.

These effects on individual employees also have a negative effect on productivity, product quality, job satisfaction, attendance, and employee retention in the workplace. The costs of illegal harassment can also include attorney fees, settlements, and court costs. Harassment can also affect workers' compensation costs.

Research indicates that one-third to one-half of all stress-related illness is attributable to bullying in the workplace.<sup>1</sup> Even basic incivility has an effect on the workplace. For example, one study shows the following responses of 775 people who were targets of incivility at work.<sup>2</sup> Incivility included rudeness, insensitivity, and disrespect inflicted by another worker ("the instigator").

Percent Affected	Effect of Incivility on Targeted Individual
28	Lost work time avoiding the instigator.
53	Lost work time worrying about the incident or future interactions.
37	Believed that their commitment to the organization declined.
22	Decreased their effort at work.
10	Decreased the amount of time that they spent at work.
46	Contemplated changing jobs to avoid the instigator.
12	Actually changed jobs to avoid the instigator.

Harassing behavior is unprofessional. Postal Service managers, postmasters, and supervisors are responsible for setting the parameters of appropriate behavior at work and for addressing inappropriate behavior by their employees. Successful managers, postmasters, and supervisors do not harass, bully, or speak to employees in a condescending or threatening manner. Successful managers, postmasters, and supervisors lead by example; they stop and correct harassing and inappropriate behavior by their employees.

Never take harassment allegations lightly. The costs of harassment to our employees and our bottom line are costs the Postal Service cannot afford.

## Your Role as Management

As Postal Service management, you must:

- Avoid behavior that could be interpreted as harassment. Lead by example!
- Identify and stop workplace behavior that could constitute harassment.
- Respond promptly<sup>3</sup> and appropriately to those who come forward with complaints of harassing conduct.

<sup>1</sup> Cary L. Cooper, Heige Hoel, and Charlotte Rayner, University of Manchester Institute of Science and Technology, *Workplace Bullying*, Taylor & Francis, 2002.

<sup>2</sup> Christine M. Pearson, Lynne M. Andersson, and Christine L. Porath, Kenan-Flagler Business School, University of North Carolina at Chapel Hill, *Assessing and Attacking Workplace Incivility*, Psychological Abstracts by American Psychological Association, 2001, page 1205.

<sup>3</sup> What is considered "prompt" depends upon the circumstances, but an inquiry or investigation should begin as soon as possible after an allegation, and it should be completed in no more time than is needed to thoroughly inquire into and, where applicable, document the matter.

This guide provides you — the managers, postmasters, and supervisors of the Postal Service — with tools to address allegations of harassment in the workplace and to address harassing or inappropriate behavior that you may witness.

Eliminating all harassing behavior from the workplace will enable you to have a more efficient operation and will contribute to a more productive, healthier work environment. Even if a certain behavior does not seem to be “harassment” as defined by law, if it is inappropriate, take corrective action, if applicable, and **STOP IT!**

## What Illegal Harassment Is

Illegal harassment is a form of discrimination that violates federal antidiscrimination laws including Title VII of the Civil Rights Act, the Rehabilitation Act, and the Age Discrimination in Employment Act.

Under federal antidiscrimination law, harassment is defined as unwelcome verbal or physical conduct that demeans or shows hostility or aversion toward an individual or group of individuals because of their race, color, religion, sex, national origin, age (40+), mental or physical disability, or in retaliation for EEO activity. To be considered harassment under the law, the behavior must also (1) result in an intimidating, hostile, or offensive work environment; (2) unreasonably interfere with an individual's work performance; or (3) otherwise adversely affect an individual's employment opportunities. The behavior must, **in its totality**, alter the terms, conditions, and privileges of employment.

Examples of harassment may include: (1) making offensive or derogatory comments, nicknames, or slurs; (2) engaging in negative stereotyping; or (3) engaging in physically threatening, intimidating, or humiliating actions. Harassment also may include circulating written graphic material (by paper or e-mail or by making it viewable in the workplace) that belittles or shows hostility or aversion toward an individual or group protected under the antidiscrimination laws.

Rape is a criminal offense. Report it immediately to local law enforcement agencies and the Postal Inspection Service. Other acts involving force or coercion may constitute criminal offenses. (Assault and battery and should be reported to local law enforcement and/or the Inspection Service.)

## Why You Must Know About Workplace Harassment

Your reaction to complaints of harassment plays a large part in whether the Postal Service will be held responsible for workplace harassment, particularly when claims of a hostile work environment are involved.

The law requires managers, postmasters, and supervisors to take action in the face of harassing behavior. As the person in charge, you are often the first person to whom an employee complains about improper conduct. You are also in a position to do something about harassment. In short, you are expected to manage your workplace and foster an atmosphere conducive to work. You must conduct a thorough inquiry<sup>4</sup> into a harassment complaint, see that inappropriate conduct stops, and take action to ensure that such conduct does not recur.

You cannot ignore the problem, because it may likely continue. Consequently, productivity will continue to suffer. Even worse, some employees may suffer serious emotional and psychological harm from such harassment. **The bottom line: Harassment in the workplace is bad for your employees and bad for the Postal Service. You must respond promptly to all complaints and eliminate harassing behaviors.**

<sup>4</sup> A thorough inquiry or investigation includes interviews with all parties involved and all witnesses to the alleged conduct.

## Two Types of Illegal Harassment Under the Law

### Tangible Employment Action or *Quid Pro Quo* Harassment

A *tangible employment action* is an action that significantly changes an employee's employment status, such as hiring, firing, promoting, demoting, changing work assignments, or reassigning an employee. *Tangible employment action harassment* is the harassment of a subordinate by someone with supervisory authority that results in a tangible employment action.

This is usually called *quid pro quo harassment*. *Quid pro quo* means "something for something," and it usually involves sexual harassment. Following are examples of *quid pro quo* harassment:

- A supervisor fires or demotes a subordinate because he or she rejects the supervisor's sexual demands.
- A supervisor makes statements such as:
  - "Have dinner with me tonight, or I'll see to it that you don't pass your probationary period."
  - "You'll get that promotion, but only if you go out with me."

*Quid pro quo harassment* is the use of power and authority to alter an employee's job conditions or economic benefits because the employee or applicant either submits to or refuses to submit to the unwelcome demands of the person in authority.

Be aware that if the employee does not submit to the demand and the manager, postmaster, or supervisor then carries out the threat so that a tangible employment action (e.g., demotion, denial of promotion, or discharge) results, it is *quid pro quo* harassment. The Postal Service could be automatically liable for harassment. Even if the threat is not carried out, the statement could still constitute hostile environment harassment.

### Hostile Environment Harassment

#### Definition and Examples

*Hostile environment harassment* covers a broad range of behaviors and situations. It is most often defined as a pattern of continuing unwelcome behavior that unreasonably interferes with an employee's work performance or that creates an intimidating, hostile, or offensive work environment.

Examples of behavior that could result in a finding of hostile environment harassment include:

- Using racially derogatory words, phrases, or nicknames.
- Telling jokes or stories with national origin themes.
- Displaying posters or symbols offensive to individuals of a certain race, sex, national origin, religion, etc.
- Making derogatory or intimidating references to an employee's mental or physical impairment.
- Applying pressure for dates.
- Making offensive remarks about a person's looks, clothing, or body parts.
- Whistling or catcalling.
- Using sexual innuendo.
- Spreading false rumors about a person's sex life.
- Blocking a person's path.

- Following a person continually (i.e., stalking).

Keep in mind that behavior which is not necessarily sexual in nature, but which is nonetheless demeaning or abusive toward members of one sex, may also constitute hostile environment harassment.

A single incident, unless it is severe, generally does not constitute illegal harassment. The conduct must be severe or continuing and pervasive. Factors considered in a legal determination of hostile environment harassment include frequency of the discriminatory conduct, its severity, whether it was physically threatening or humiliating (as opposed to a mere offensive utterance), and whether it unreasonably interferes with work performance.

### **Crossing the Line Between Social Nuisance and Harassment**

One of the most difficult aspects of the hostile work environment claim is differentiating between conduct that is overly friendly, rude, or tasteless, and conduct that is so offensive, relentless, and severe that it warrants being labeled as harassment. Neither behavior should be tolerated, and corrective action should be implemented in either case. The following points are helpful in determining what constitutes workplace harassment:

- The inappropriate behavior must be severe or pervasive enough to interfere with the employee's work conditions or create an abusive work environment. As a general rule, there must be multiple incidents of verbal misconduct to create enough of a pattern of discriminatory behavior to alter the work environment. Isolated incidents of offensive sexual displays or remarks generally are not enough to create a hostile work environment. The exception is conduct that is extremely severe, such as sexual assault, which could constitute an abusive work environment the first time it happens. It is helpful to investigate whether the employee has previously complained about inappropriate behavior.
- The conduct must be unwelcome. It is neither invited nor solicited, and the person must consider it undesirable and offensive.
- The conduct must be evaluated from the perspective of a "reasonable person." Harassment laws are not designed to protect the hypersensitive individual from offense. This does not mean that a good manager allows employees to provoke even a hypersensitive colleague; harassing behavior is inappropriate, even if it is not illegal.
- Hostile work environment claims can encompass harassing behavior that is not necessarily sexual in nature. For example, it can be singling out one sex with acts of aggression, intimidation, hostility, rudeness, name calling, or other types of abusive conduct.
- Behavior or actions can be considered harassment even if the alleged harasser did not intend to offend.

## **Sexual Harassment**

### **Examples of Sexual Harassment**

Jane's supervisor subjected her to frequent obscenities, crowded her in her office, made knee-to-knee contact with her, and slapped her on the buttocks. The court found sexual harassment, saying, "A slap on the buttocks in the office setting has yet to replace the handshake."

Darla and two other women were subject to crude and obscene name calling; were intimately touched; and, when they used the restroom at their station, were spied upon by the men. The men also flashed pictures of couples engaged in sexual acts and scrawled obscenities on the women's vehicles. The women reported the abuse to their supervisor, but nothing was done. The three women eventually moved to lesser positions in other facilities. The court found sexual harassment was so severe and pervasive as to alter the women's working environment.



## **The Problem of Perception**

What one person considers offensive, another may consider harmless. Distinguishing between harassment and social insensitivity is very difficult. Unfortunately, the law does not provide a “bright-line” rule about exactly what comments and behaviors constitute harassment. However, bear in mind that, if a “reasonable person” would find the behavior so offensive as to interfere with his or her work performance, then it is likely to be considered harassment. Postal Service policy is to act to STOP any inappropriate behavior, investigate, and ensure that the inappropriate conduct does not recur — even if the behavior doesn't rise to the legal definition of harassment.

## **The Importance of Communicating That Words or Actions Are Unwelcome**

If someone is being harassed, he or she should tell the alleged harasser in no uncertain terms to stop the behavior. If the employee is not able to do so alone, the employee can ask a friend or a trusted coworker to help him or her talk to the alleged harasser. This does not mean that the victim has to confront the alleged harasser or put the allegation in writing. Nonverbal behavior can also be sufficient in some cases to communicate that the behavior is unwelcome. **“No” means “no,”** whether it is communicated verbally or nonverbally. However, a clearly communicated verbal “no” is usually more effective in stopping harassment. In all cases of harassment, employees should also report the incident to their immediate supervisor or manager, to another supervisor or manager, or to the Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager).

## **Sexual Harassment and the Office Romance**

The Postal Service strongly discourages supervisory and managerial employees from engaging in romantic and/or physical relationships with their subordinate employees. Perceptions of unfair treatment often arise under these circumstances and undermine employee morale.

When a supervisor or manager who engages in office romances appears to favor those with whom he or she is involved, the supervisor's or manager's behavior tends to foster a belief among other employees that their chances for advancement depend upon their willingness to engage in similar conduct with the supervisor or manager. Relationships between supervisors or managers and employees that are based on such a belief are not considered fully consensual. Therefore, to avoid allegations of harassment and/or unfair treatment, supervisors or managers should not engage in relationships with their subordinate employee.

## **Same-Sex and Sexual Orientation Harassment**

Harassment by a coworker or manager of the same sex as the employee is a violation of the law. Although the law does not provide a remedy for employees discriminated against based on sexual orientation, gender identify, or gender stereotyping, Postal Service policy prohibits such discrimination, and it will not be tolerated.

## **Contractors, Vendors, and Other Third Parties**

Just as the Postal Service will not tolerate harassment by or against its employees, it also will not tolerate harassment by or against anyone in the workplace, including contractors, vendors, and other third parties who may be in the workplace only temporarily. Employees have the right to complain about harassment by such individuals. Conversely, these individuals can also complain about harassment by Postal Service employees. Either way, once improper behavior is brought to the attention of the Postal Service, management must promptly take steps to investigate and stop it.



## Retaliation Is Illegal

Retaliation against an employee who raises a harassment claim or provides evidence in an investigation is illegal. Management employees who fail to fulfill their obligation under Postal Service policy regarding harassment claims may also be found to have retaliated against an employee because of the adverse effect of their willful indifference.

## What You Must Do to Prevent Workplace Harassment

### Role and Responsibility of the Manager, Postmaster, and Supervisor

It is your role to listen, inquire, and try to resolve a harassment complaint. If you do not have the authority to conduct an inquiry, you must take it to a manager, postmaster, or supervisor who does.

### Educate Yourself and Others

- Educate yourself on the topic of workplace harassment. Make sure your staff is aware that harassment is illegal, and also ensure that your staff is aware of the Postal Service policy against harassment.
- Identify for employees some of the possible consequences of engaging in improper behavior, whether or not it meets the definition of illegal workplace harassment. In addition, express strong disapproval of harassment in any form.
- Educate your employees and supervisors in identifying harassment, the remedies available, and how to stop inappropriate behavior.
- Inform your employees of their right to report inappropriate conduct without fear of retaliation. Make sure they know that complaints will be kept confidential during the investigation (to the extent possible). Ask Human Resources professionals in your local district or area office for help as necessary, and keep your Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager) informed as you resolve complaints that may arise in your unit.
- Document employee training on harassment.

### Enforce Policies

- Take every incident or complaint seriously. Do not ignore harassing or improper behavior or believe it to be only a personal matter between the alleged harasser and alleging harassee.
- Conduct harassment inquiries promptly and, where necessary, take inquiries to the next appropriate level.
- Stop all inappropriate behavior.
- Confer with and inform the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager) of any harassment allegations and inquiries. If Human Resources personnel or others conduct an inquiry or investigation, stay informed of their progress. It is your responsibility to ensure that any inquiry or investigation is brought to appropriate closure.

- Take remedial action when appropriate. The action should be commensurate with the severity of the conduct.
- Follow up to ensure that harassment does not continue and that retaliation does not occur.
- Inform employees of their rights and remedies, including their right to file a complaint by requesting EEO Counseling and calling one of these toll-free numbers within 45 days of the inappropriate conduct:

1-888-EEO-USPS (888-336-8777)

TTY: 1-888-325-2914

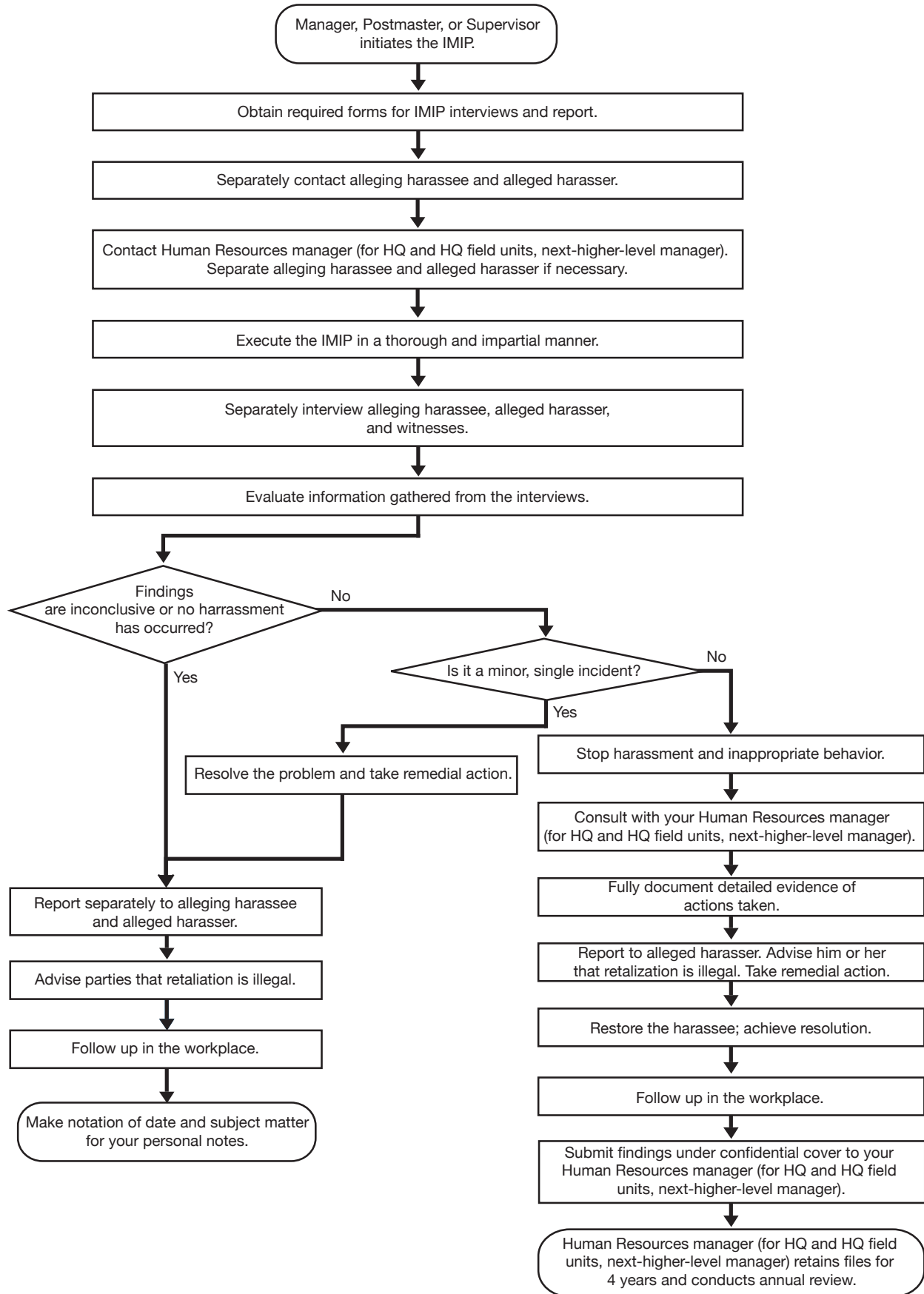
However, do not dismiss employees by telling them to file an EEO complaint or a grievance. You must manage the problem yourself, even if the employee also chooses to file a grievance, EEO complaint, or both.

## **Maintain Confidentiality**

It is very important to let employees know that confidentiality will be maintained to the greatest extent possible. However, it is equally important to remind them that at certain points in the management inquiry process and (if applicable) the EEO process, it may be necessary to provide information that will identify the harassee, harasser and all witnesses to officials such as the:

- Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager).
- EEO Alternate Dispute Resolution (ADR) specialist.
- EEO investigator.

# Initial Management Inquiry Process at-a-Glance



# Initial Management Inquiry Process

## Purpose

The initial management inquiry process (IMIP) allows managers, postmasters, and supervisors to whom a complaint is brought to get enough information at the outset to:

1. Determine whether there is an immediate need to separate the harasser and harassee.
2. Determine whether there is an immediate need to recommend that an employee seek Employee Assistance Program (EAP) counseling.
3. Determine whether other employees are being harassed.
4. Assess the nature and scope of the problem in the workplace.
5. Decide whether the manager or supervisor can remedy the problem, or whether referral to your Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager) for further investigation is warranted because of the individuals involved or the nature and scope of the charges.

The IMIP requires you to react promptly to complaints alleging harassment and compels you to deal with the problem. In short, an inquiry prevents both blanket dismissal of such complaints or only referring the issue to an EEO ADR specialist. While the latter is appropriate when the employee wishes to bring a complaint, it is not appropriate only to refer the employee to an EEO ADR specialist instead of dealing with the employee's problem.

If for some reason supervisory employees do not have the authority to launch an inquiry, they must bring the complaint to the attention of a higher-level supervisor or manager who does. As a general rule, the IMIP will not replace or serve as a substitute for the harassment investigation normally conducted by Human Resources. If, in the course of this initial management inquiry, you believe that the nature and scope of the complaint warrant outside investigation or that resolution is not feasible, you must refer the complaint to the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager).

## Receiving the Complaint and Beginning the Inquiry

Listed below are steps to follow when you receive a complaint and begin the IMIP:

1. Listen carefully to the person making the complaint.  
**Note:** You may receive a complaint with no prior warning.
2. Confer with the Manager, Human Resources (or designee), in your local district or area office (for HQ and HQ field units, the next-higher-level manager) about any harassment allegations and inquiries.
3. Gather the necessary inquiry forms by following the process set forth in this publication. Conduct a thorough and impartial inquiry.
4. Separately interview the alleging harassee, the alleged harasser, and all witnesses. (See "Conducting the Interviews," on page 16 for more information on this topic.) Begin with broad questions, and then ask questions specific to the complaint. Remember to pose your questions in a nonthreatening manner. Thoroughness is important.
5. Gather pertinent information (e.g., policies, procedures, laws, and practices). If necessary, contact your Manager, Human Resources (or designee), in your local district or area office (for HQ and HQ field units, the next-higher-level manager).
6. Act promptly. Do not let the complaint languish. Failure to act promptly may result in loss of evidence or a finding that the employer did not act reasonably to correct harassing behavior.

# Conducting the Interviews

## Interviewing the Alleging Harassee

Here are the steps to follow when you are interviewing the alleging harassee:

1. Find an appropriate place that ensures confidentiality to hear the complaint. Remain objective; listen with an open mind.
2. Ensure that the alleging harassee is comfortable with having you handle the inquiry.
3. Advise the alleging harassee of the need for confidentiality and its limitations — i.e., that confidentiality will be maintained to the greatest extent possible, but that at certain points in the management inquiry process it may be necessary to provide information that will identify the harassee to officials such as the Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager) or an EEO ADR specialist.
4. Discuss your responsibilities in handling the complaint, such as the possible need to take it to another level or to take immediate action against the alleged harasser if it is found that harassment or inappropriate behavior has occurred.
5. Listen carefully and empathetically, repeating what you hear if necessary for clarification. Take detailed notes of the facts (e.g., who, what, when, where, why, and how). Did anyone else observe the alleged harassment or have knowledge of the behavior at issue? Get the specific details, for example:
  - Type of conduct.
  - Time period over which the conduct occurred.
  - Frequency of occurrence. (For example, is this an isolated event or one of a pattern of similar events?)
6. Determine the identity of the alleged harasser (or harassers). Has the alleged harasser engaged in similar behavior toward other employees?
7. Ask for the alleging harassee's reaction to the behavior at issue. Did he or she ask the alleged harasser to stop? If not, determine, in a non-accusatory manner, why not. Did the alleging harassee indicate in any other way that he or she objected to the conduct?
8. Get information on the effect of this conduct on the alleging harassee. Try to discern whether the person suffered any adverse employment action, economic harm, or both.
9. Determine the time between the conduct at issue and when the alleging harassee made the report. If there was a time delay, find out, in a non-accusatory manner, why.
10. Ask if the alleging harassee has spoken to others (in or outside the workplace), has taken notes, has received letters, saved e-mails or otherwise documented the incident.
11. Determine the alleging harassee's safety. Consider whether the alleged harasser should be moved. In general, if you believe the person could benefit from counseling, suggest a referral to the EAP, which is available to provide employees with emotional support for problems that may result from being harassed. Notify the Postal Inspection Service and local law enforcement in the event of possible criminal action.
12. Find out what the alleging harassee needs to perform his or her work effectively. Can he or she continue to work for or with the alleged harasser?
13. Request a written statement either before or after you act. However, do not insist on a written statement if the alleging harassee refuses to document the incident.
14. Realize that another person's report is enough to start the inquiry. Do not insist that the alleging harassee personally report the allegation of harassment before you act.
15. Do not insist on corroboration or detailed evidence. While it is certainly helpful, its absence should not deter your action.

16. Show empathy and do not pass judgment on the allegations presented.
17. Advise the alleging harassee that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated. Advise the alleging harassee to report any retaliation to you immediately.
18. Thank the alleging harassee for making the report and invite him or her to come back if he or she has more facts to add.
19. Document the interview and send your written report to the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager). You must document all serious and recurring cases of alleged harassment or inappropriate actions, including corrective actions taken. You are not required to document the interview for a minor, single incident. However, you should make a personal note of the incident. Personal notes must be kept confidential and retained for future reference when necessary.
20. Follow up with the alleging harassee to:
  - Advise him or her of the progress of the investigation.
  - Ensure that the harassment has not resumed.
  - Ensure that the alleging harassee has not suffered retaliation.

**Note:** Confidentiality is important to prevent libel, slander, or invasion of privacy claims.

### **Interviewing the Alleged Harasser**

Here are the steps to follow when you are interviewing the alleged harasser:

1. Contact the alleged harasser and set a time to meet with him or her. Do it promptly.
2. Advise the alleged harasser that this is an initial inquiry and that the purpose is to gather the facts. Emphasize that you take both the allegations and this IMIP seriously.
3. Advise the alleged harasser of the need for confidentiality and its limitations — i.e., that confidentiality will be maintained to the greatest extent possible, but that at certain points in the management inquiry, it may be necessary to provide information that will identify him or her to the Manager, Human Resources, an EEO ADR specialist, or both.
4. Be fair and remain objective; remember the concept of “innocent until proven guilty.”
5. Ask the alleged harasser open-ended questions in an open-ended manner to allow for elaboration.
6. Ask the alleged harasser to explain the incident (or incidents). Request a written statement. However, if the alleged harasser refuses to put something in writing, do not insist on a written statement either before or after you act. Obtain as many details as possible. Ask the alleged harasser, “Do you know of the incidents the alleging harassee is reporting?” Respond as follows, based on the alleged harasser’s “response” or “answer”.
  - If he or she admits to the incident, determine:
    - When and where the incident occurred.
    - Specific details about the incident.
    - Whether there were observers or whether the alleged harasser spoke to anyone else about the incident.
    - How the alleging harassee reacted to his or her comments or actions.
  - If he or she does not admit to the incident, determine:
    - The alleged harasser’s perception of his or her working relationship with the alleging harassee.

- The alleged harasser's perception of the reported incident.
  - Whether the alleged harasser and alleging harassee socialize outside the workplace.
  - The alleged harasser's perception of why the alleging harassee made the allegation.
  - Whether the alleged harasser has recently taken any action relative to the alleging harassee that the alleging harassee found objectionable. Also determine whether the alleging harassee suffered any adverse employment action or tangible job detriment.
7. Repeat answers for clarification without changing what the alleged harasser says.
  8. Based on the answers provided, address new concerns and ask any necessary additional questions, such as who, what, when, where, why, and how, and:
    - Are there other people I should talk to?
    - Were there other incidents that need to be discussed?
  9. Ask the alleged harasser to tell you in his or her own words how the alleging harassee reacted to his or her comments or actions.
  10. Inform the alleged harasser of the possibility of disciplinary action that could result because of his or her actions.
  11. Advise the alleged harasser that retaliation against the alleging harassee or anyone providing evidence is illegal and will not be tolerated. Advise him or her of the need to avoid contact with the alleging harassee until the inquiry is completed.
  12. Thank the alleged harasser for responding, and invite him or her to come back if he or she has more facts to add.
  13. Document the interview and send the information to the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager). You must document all cases involving allegations of harassment or inappropriate actions, including corrective actions taken, if the actions are serious, recurring, or both. You are not required to document the interview for a minor, single incident. However, you should make a personal note of the incident. Personal notes must be kept confidential and retained for future reference when necessary.
  14. Keep the alleged harasser informed by establishing a time when you will get back to him or her. Keep the scheduled time, or make contact with him or her to reschedule if more time is needed.

## Interviewing the Witnesses

Here are the steps to follow when you are interviewing the witness (or witnesses):

1. Assure the witness that his or her cooperation is important.
2. Inform the witness of the need for confidentiality and its limitations — i.e., that confidentiality will be maintained to the greatest extent possible, but that at certain points in the management inquiry process, it may be necessary to provide information that will identify him or her to the Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager) or an EEO ADR specialist
3. Share the seriousness of the allegation.
4. Avoid giving details about the allegation. **Your job is to get details.**

5. Ask the witness what he or she knows of the incident. Get as many details as possible, such as who, what, when, where, why, and how, and:
  - Were there other observers of the incident (or incidents)?
  - How did the alleging harassee react?
  - Has the witness spoken to anyone else about the incident?
  - Is the witness aware of similar behavior by the alleged harasser toward other employees?
  - Is the witness aware of any other improper conduct in the workplace?
6. Based on the answers provided, address new concerns and ask any necessary additional questions, such as who, what, when, where, why, and how, and...
  - Are there other people you should talk to?
  - Are there other incidents that need to be discussed?
7. Advise the witness that retaliation against him or her for providing information on charges is illegal and will not be tolerated. Advise the witness to report any retaliation to you immediately.
8. Thank the witness for providing information and invite him or her to come back if he or she has more facts to add.
9. Document the interview and send the information to the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager). You must document all cases involving allegations of harassment or inappropriate actions. Your documentation should include corrective actions taken if the actions are serious, recurring, or both. You are not required to document the interview for a minor, single incident. However, you should make a personal note of the incident. Personal notes must be kept confidential. They should be retained for future reference when necessary.

## Evaluating the Information

Here are the steps to follow when evaluating the information:

1. Determine your next step by reviewing your notes.
2. Assess the credibility of the information given by the alleging harassee, alleged harasser, and all witnesses. Stick to the facts. For example:
  - Do the stories of the alleged misconduct match or come close?
  - What is the chronology of events?
  - Did the alleged harasser deny anything?
  - Did the alleged harasser admit to anything?
  - Did the alleged harasser contradict himself or herself?
3. Consider whether you need to conduct another interview to get missing information. Ask yourself these questions:
  - Have all inconsistencies between the people interviewed been clarified?
  - If not, what other questions need to be asked?
4. Ask yourself the following:
  - Did behavior occur that was sexual or based on sex, race, religion, disability, etc.?
  - Was the behavior unwelcome? Are all the facts based on observations and evidence rather than conclusions or assumptions?



5. Consider:
  - The nature and severity of the conduct. Was it hostile, abusive, or threatening toward members of one sex, race, religion, etc.?
  - The effect of the conduct on the alleging harassee and on a reasonable person.
  - The relationship of the two employees. Is there a difference in power (e.g., levels of employees in the organization)? Was there past, or is there present, romantic involvement? Is there an ongoing personal feud? Do the alleging harassee and alleged harasser get along well?
  - Did the alleging harassee communicate, verbally or nonverbally, that the alleged harasser's conduct was unwelcome? Did the alleged harasser continue the conduct?
6. If the alleged harasser is a postmaster, manager, or supervisor, determine whether the employee suffered a significant change in employment status due to his or her reaction to the alleged harassment (e.g., demotion, denial of promotion, or discharge). Use the following questions to help determine the reasons:
  - What reasons did the alleged harasser give for the personnel action (i.e., not to hire or promote or to give a poor performance evaluation or discipline)?
  - Does the evidence support the alleged harasser's reasons for the personnel action?
7. If the alleged harassment is by a coworker, contractor, or other third party, assess whether management knew or should have known of the harassment.
  - Was the alleged harasser told that his or her behavior was unwelcome? Did he or she continue? Who else received or participated in the alleged harassment?
  - How widespread or pervasive was the conduct?
  - Did the alleged misconduct occur in private or in public areas?
  - Were other complaints lodged against the alleged harasser?
8. Confer with the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager) throughout the inquiry and resolution processes.
9. Determine corrective action in accordance with Postal Service policies, procedures, guidelines, rules, regulations, and bargaining agreements. Consult with your district or area Labor Relations office as applicable. It is critical that you be consistent in the application of discipline and Postal Service policies and procedures.

## Maintaining Confidentiality and Documenting the Inquiry

Some complaints can be resolved simply and directly between the parties without the need for a formal written record. You need to decide early in the process whether formal documentation is warranted. A good rule of thumb: **When in doubt, document.** Always remember that confidentiality is key.

To maintain confidentiality:

- Do **not** leave documents exposed on your desk or on your computer.
- Do **not** give documents or notes to anyone to type for you.
- Place all documents in a separate, locked personal file. If you do not have a locked file, get one! Do **not** file by any identifier. File as "inquiry" only.
- Do **not** place documents in any of the involved parties' personnel files.

- When the inquiry is completed, place all documents in a sealed envelope marked “CONFIDENTIAL — to be opened by Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager), ONLY.” Sign your name on the seal.
- Send your documents to your applicable district or area Manager, Human Resources (for HQ or HQ field units, the next-higher-level manager) by Certified Mail service with Return Receipt. Store all management inquiry files in a central location at the applicable district or area Human Resources office. Keep the files for 4 years after the management inquiry is completed.

## Consulting With Human Resources and Taking Remedial Action

### Determination 1: Inquiry Is Inconclusive

1. If the inquiry is inconclusive:
  - a. Report to the alleging harasser.
    - Inform him or her that the investigation is inconclusive and why.
    - Emphasize that if another incident occurs, he or she should report it immediately.
    - Ask whether he or she feels able to continue to work in that area; if not, consult with your Manager, Human Resources, at the local or area office (for HQ and HQ field units, the next-higher-level manager) to explore the possibility of transfer or relocation.
    - If appropriate, refer him or her to the Employee Assistance Program (EAP). The Postal Service EAP Hotline number is 1-800-EAP-4-YOU (1-800-327-4968) or TTY 1-888-325-2914.
  - b. Report to the alleged harasser.
    - Inform him or her that the investigation is inconclusive.
    - Inform him or her that nothing was placed in his or her personnel folder.
    - Advise him or her that if he or she engages in inappropriate behavior in the future, disciplinary action will result.
    - Emphasize that any other reported incidents will be thoroughly investigated.
    - Advise the alleged harasser that it is illegal to retaliate against a person who has either made a complaint of harassment or who offers evidence in an investigation.
  - c. Follow up and check in on the workplace to ensure that employees are aware of and are following appropriate standards of conduct.
    - Seriously consider whether remedial training will address the issues raised in the inquiry. For example, depending on the circumstances, training in workplace harassment awareness and prevention, communication skills, or diversity could be effective in remedying workplace issues.
    - Monitor the workplace and make your monitoring actions known to the workforce. This way, employees will be aware that future misconduct will not be tolerated. Let employees know that you are available as a resource should any misconduct occur in the future.
    - Consider periodic stand-up talks or staff meetings as forums to reinforce your message that harassment will not be tolerated in the workplace.

## Determination 2: Harassment Has Not Occurred

2. If you find that harassment has not occurred:
  - a. Inform both the alleging harassee and alleged harasser — separately — of the determination that harassment did not occur and the reasons for your conclusions.
  - b. Ask whether the alleging harassee feels able to continue to work in that area; if not, then consult with your Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager), and explore the possibility of transfer or relocation.
  - c. Deal promptly with any conduct other than harassment that needs improvement (e.g., rudeness, disparate treatment, or poor judgment).
  - d. Advise the alleged harasser that retaliation is illegal.
  - e. Follow up by monitoring the workplace to see that additional harassment, retaliation, or both does not occur and continue employee education. Consider whether workplace harassment training or EAP counseling would be helpful for the entire workgroup.
  - f. Note the date and subject matter for your personal notes.

## Determination 3: Harassment or Improper Conduct Has Occurred

3. If you find that harassment or improper conduct has occurred, you must do the following for a:
  - a. Minor, single incident:
    - Stop the conduct. Resolve the problem. Take remedial action as necessary.
    - Advise the alleged harasser that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated.
    - Report results to the alleging harassee.
    - Follow up in the workplace to see that additional harassment and/or retaliation does not occur.
    - Note the date and subject matter for your personal records or notes.
  - b. Serious or recurring incident:
    - Take prompt action to end current harassment or improper conduct and to deter it in the future. Concerning remedies, consult with the Manager, Human Resources in your local district or area office (for HQ and HQ field units, the next-higher-level manager) and your Managing Counsel, Area, or the Managing Counsel, Employment and Labor Law (HQ), as appropriate.
    - Fully document actions taken. Use the interview guidelines and forms in this publication.
    - Advise the alleged harasser that retaliation against any person for reporting or providing information on charges is illegal and will not be tolerated. Take disciplinary action if appropriate.

- Make sure discipline is prompt and commensurate with the severity of the conduct. Remedial actions may include:
  - Discussion.
  - Remedial training.
  - Letter of warning.
  - Suspension.
  - Transfer (when appropriate).
  - Demotion.
  - Discharge.
- Restore the alleging harassee to achieve satisfactory resolution of the matter. For example, consider apologizing to the employee on behalf of the organization, including upper management.
- Follow up and check the workplace to see that additional harassment or retaliation does not occur and continue employee education.
- Submit your findings under confidential cover to the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager). Human Resources will keep files on the inquiry for 4 years. Human Resources will conduct annual reviews to ensure a work climate that is free from inappropriate and unlawful behavior.

## Initial Management Inquiry Process Checklist

Before you finalize your Initial Management Inquiry (IMIP), make sure that you:

- Advise all parties of the need for confidentiality and its limitations.
- Advise all parties of your responsibility to conduct an inquiry and mention the potential for requesting further investigation by Human Resources.
- Investigate promptly. Conduct a thorough and impartial inquiry. Get detailed facts from the parties involved (e.g., who, what, when, where, why, and how). Follow all procedures in this publication and conduct a thorough impartial inquiry. Use the guidelines in this publication for interviewing the alleging harassee, alleged harasser, and all witnesses. Use additional sheets as necessary.
- Take immediate remedial action when necessary (e.g., separate employees and offer counseling). Consult with the Manager, Human Resources, in your local district or area office (for HQ and HQ field units, the next-higher-level manager).
- Advise all parties that retaliation against any person for reporting or providing information on potential harassment is illegal and will not be tolerated.
- Follow up with the alleging harassee to advise on what he or she can expect to occur during the inquiry, and keep the alleging harassee advised of the progress of your inquiry.
- Remember that the inquiry is an ongoing process; invite all persons interviewed to come back if they have more facts to add.
- Take prompt disciplinary action where appropriate, after consulting with Labor Relations.
- Advise harassee of his or her rights with regard to resolving the complaint.
- Convey the Postal Service's commitment to eliminating harassment and your responsibility to see that a fair, impartial, prompt, and thorough investigation of the alleged misconduct takes place.
- Contact the Manager, Human Resources (or designee), promptly after receiving a complaint.
- When the IMIP is complete, submit all forms under confidential cover to the local district or area Manager, Human Resources (for HQ and HQ field units, the next-higher-level manager). The Manager, Human Resources, or the next-higher-level manager reviews the information to ensure that the inquiry is appropriately resolved.

# Workplace Harassment Interview Guidelines

Date: (DD/MM/YYYY)

## INTERVIEW WITH ALLEGING HARASSEE

### ALLEGING HARASSEE INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip™ Code)

Tour and Hours of Duty:

Dates and times the event(s) occurred:

**Note:** Advise alleging harassee of your responsibility to see that a prompt and thorough management inquiry of the conduct takes place.

### CONTACT INFORMATION OF INDIVIDUALS WHO ALLEGEDLY COMMITTED HARASSMENT

1. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip™ Code)

2. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip™ Code)

3. Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip™ Code)

### INCIDENT / ACTION INFORMATION

Date of Alleged Incident/Action: (DD/MM/YYYY)

Describe specifically the actions and the dates on which they occurred.

## ALLEGING HARASSEE INFORMATION

Name of Harassee: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

---

Was this an isolated event or a pattern of similar events or behavior?

---

What was your reaction?

---

How did this conduct or behavior affect you? How did it make you feel?

---

Can you continue to work at your current location?

---

Can you identify other individuals with knowledge of the alleged conduct at issue or of similar actions or behaviors by the charged individual(s) in the past? (Include observations, what people heard, and who you told about the events in question.)

---

Are there any documents or other physical evidence that may support the claim of the alleged occurrences? If so, identify them.

## ALLEGING HARASSEE INFORMATION

Name of Harassee: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

---

Have you previously complained about this or related acts of harassment to a supervisor or manager? If so, please identify the individual(s) to whom you complained, the date(s) of the complaint(s), and the resolution(s), if any.

---

Ask the alleging harassee how he or she would like the matter resolved.

---

Ask the alleging harassee if there is any question not asked that should have been, and if there is anything else about the allegations or any other information related to the inquiry that he or she would like to provide.

## FORMS AND FOLLOW UP

Submit all forms under confidential cover to the Manager, Human Resources, local district or area (for HQ and HQ field units, the next-higher-level manager) upon prompt completion of the management inquiry. The Manager, Human Resources, or next-higher-level manager reviews the information to ensure appropriate resolution of the inquiry.



Date: (DD/MM/YYYY)

## INTERVIEW WITH ALLEGED HARASSER

### ALLEGED HARASSER INFORMATION

Name: *(First Name, Last Name)*

Title:

Job Location: *(Name of Facility, Street, City, State, Zip™ Code)*

Tour and Hours of Duty:

Dates of Interview: *(DD/MM/YYYY)*

### INCIDENT/ACTION INFORMATION – Provide a factual statement regarding the allegations.

Date of Alleged Incident/Action: *(DD/MM/YYYY)*

Do you recall the incident? If yes, then what is your recollection of the incident?

How did the alleging harassee react to your words or actions?

Can you identify any witness with knowledge of this incident, either directly or indirectly through you?

Can you identify any documents or other supporting evidence?

Is there any other information that should be considered in evaluating this case—e.g., perception of working relations with alleging harassee or perception of why the charge was made?

## ALLEGED HARASSER INFORMATION

Name of Harasser: *(First Name, Last Name)*

Job Location: *(Name of Facility, Street, City, State, Zip Code)*

---

Has anyone ever made allegations of this type against you before? When? And Where? Describe the circumstances, including whether the allegations were investigated and the outcome?

---

Have you ever been disciplined for improper conduct or harassment?

## FORMS

Submit all forms under confidential cover to the Manager, Human Resources, local district or area (for HQ and HQ field units, the next-higher-level manager) upon prompt completion of the management inquiry. The Manager, Human Resources, or next-higher-level manager reviews the information to ensure appropriate resolution of the inquiry.

Date: (DD/MM/YYYY)

## INTERVIEWS WITH WITNESSES

### WITNESS INFORMATION

Name: (First Name, Last Name)

Title:

Job Location: (Name of Facility, Street, City, State, Zip Code)

Tour and Hours of Duty:

Length of time the witness has known the alleging harasser:

Length of time the witness has known the alleged harasser:

Date of Interview: (DD/MM/YYYY)

### INCIDENT/ACTION INFORMATION

**Provide a factual statement regarding the allegations, noting what you saw or heard, where and when the incident occurred, and anyone else who was there.**

Date of Alleged Incident/Action: (DD/MM/YYYY)

Do you recall the incident? If yes, then what is your recollection of the incident? Describe the parties' reactions.

Provide identities of other persons with knowledge of information relevant to this inquiry—either because (1) they are aware of similar behavior by the alleged harasser toward other employees, or (2) you spoke to anyone else about the incidents.

Provide any other information that should be considered in this case.

### FORMS

Submit all forms under confidential cover to the Manager, Human Resources, local district or area (for HQ and HQ field units, the next-higher-level manager) upon prompt completion of the management inquiry. The Manager, Human Resources, or next-higher-level manager reviews the information to ensure appropriate resolution of the inquiry.

# Policy Statements, Regulations, and Publications

The following policy statements and publications can be accessed from the Blue Page (Postal Service Intranet) links listed below. The *Employee and Labor Relations Manual* (ELM) and the publications (PUBs) can be ordered from the Material Distribution Center. Memorandums of Policy (MOPS) are only available online.

- MOP DD-05-10-2009, *Equal Employment Opportunity Policy Statement*:  
<http://blue.usps.gov/cpim/ftp/policy/dd/050109.pdf>.
- MOP DD-02-21-2006, *Policy Statement on Sexual Orientation, Gender Identification, and Gender Stereotyping*: <http://blue.usps.gov/cpim/ftp/policy/dd/022106.pdf>.
- MOP DD-09-25-2006, *Postal Service Policy on Workplace Harassment*:  
<http://blue.usps.gov/cpim/ftp/policy/dd/092506.pdf>.
- ELM Subchapter 660, Conduct, <http://www.usps.com/cpim/manuals/elm/elm.htm>:
  - 662, Federal Standards of Ethical Conduct
  - 665, Postal Service Standards of Conduct
- PUB 552, *Manager's Guide to Understanding, Investigating, and Preventing Harassment*:  
<http://blue.usps.gov/cpim/ftp/pubs/pub552.pdf>.
- PUB 553, *Employee's Guide to Understanding, Preventing, and Reporting Harassment*:  
<http://blue.usps.gov/cpim/ftp/pubs/pub553.pdf>.



