



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

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Memorandum

To: All Bureau of Indian Affairs (BIA) Employees

From: Darryl LaCounte
Director, Bureau of Indian Affairs

Subject: Anti-Harassment and Workplace Conduct

The Bureau of Indian Affairs (BIA) affirms its commitment to achieving the goal of an inclusive and respectful workplace. The Bureau abides by federal law and the Department of the Interior's policy to promote and maintain a work environment free from harassment, sexual harassment, discrimination, and retaliation. In this effort, we also work to correct inappropriate conduct before it becomes severe or pervasive.

These inappropriate behaviors are defined as follows:

- **Harassment:** Harassment is unwelcome conduct, verbal or physical, including intimidation, ridicule, insult, comments, or physical conduct, that is based on an individual's protected status or protected activities when: (1) the behavior can reasonably be considered to adversely affect the work environment; or (2) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct. Protected status is defined as an individual's race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, age (beginning at age 40), disability (physical or mental), or genetic information (including family medical history).

Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Offensive conduct that may be considered harassment may include offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or putdowns, offensive objects or pictures, and interference with work performance.

- **Sexual Harassment:** Sexual harassment includes any unwanted sexual advances, requests for sexual favors, or other unwelcome verbal or physical contact of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.
- **Discrimination:** It is against the law to treat some people differently from others based on their race, color, national origin, religion, sex (including pregnancy and gender identity), age (over 40), marital and parental status, disability, sexual orientation, or genetic information.

- **Retaliation:** Equal Employment Opportunity (EEO) laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination, including harassment. Asserting these rights is called "protected activity," and it can take many forms. For example, it is unlawful to retaliate against applicants or employees for:
 - filing or being a witness in an EEO charge, complaint, investigation, or lawsuit
 - communicating with a supervisor or manager about employment discrimination, including harassment
 - answering questions during an employer investigation of alleged harassment
 - refusing to follow orders that would result in discrimination
 - resisting sexual advances, or intervening to protect others
 - requesting accommodation of a disability or for a religious practice
 - asking managers or co-workers about salary information to uncover potentially discriminatory wages.

Personnel Bulletin 18-01 and its reporting procedures focuses on making employees whole after they have experienced discrimination. Employees who believe they are subject to inappropriate conduct should promptly report it to their immediate supervisor, an appropriate management official, their servicing Human Resources Office, or the Office of the Inspector General. Employees may also contact the BIA Office of Equal Opportunity and Civil Rights Programs (OEOCRP) for complaints related to discrimination or harassment based on a protected status.

Supervisors have the additional responsibility to act when inappropriate behavior is reported, and must work with their Servicing Human Resources Office, or EEO office to ensure the matter is appropriately handled. Those who fail to take timely and appropriate action when warranted may be subject to disciplinary action.

The following is a list of resources that is available to support employees and managers:

- BIA OEOCRP: <https://www.bia.gov/bia/eo>
- Indian Affairs Workplace Harassment and Prevention: <https://www.bia.gov/workplace-harassment-and-prevention>
- Indian Affairs - Office of Human Capital Management (SharePoint): <https://doimsp.sharepoint.com/sites/doi-asia-ohcm?CT=1703001325626&OR=OWA-NT&CID=f6e223fb-444e-5c2c-b776-b9a5c9962a39>
- DOI, Office of Inspector General - <https://www.doiig.gov/>

For questions, please contact the Director, Office of Equal Opportunity and Civil Rights Programs, Krista Hodges-Eckhoff at krista.hodges-eckhoff@bia.gov.