



National Credit Union Administration

Office of the Chairman

December 6, 2023

SENT BY EMAIL

The Honorable Maxine Waters
United States House of Representatives
Committee on Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

Dear Ranking Member Waters:

It was an honor to appear before the Committee on Financial Services on November 15, 2023. At that hearing, you requested information about the anti-harassment policies and procedures at the National Credit Union Administration (NCUA). I requested that the NCUA's subject matter experts prepare the attached memorandum, which lays out the NCUA's anti-harassment activity.

Thank you for your interest in the NCUA's efforts to promote a workplace that is free from sexual and other forms of harassment and where all are treated with civility and respect. Should you have any additional questions, please feel free to contact me directly or have your staff contact Elizabeth Eurgubian at EEurgubian@ncua.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Todd M. Harper'.

Todd M. Harper
Chairman



National Credit Union Administration
Office of Ethics Counsel

OEC/ DN
SSIC 1235

SENT BY EMAIL

TO: Chairman Todd M. Harper

FROM: Katherine Easmunt, Acting Chief Ethics Counsel, Office of Ethics Counsel

SUBJ: Response to Ranking Member Waters' Request for a Review of the NCUA's Sexual Harassment Policies and Procedures

DATE: December 5, 2023

On November 15, 2023, Ranking Member Waters requested that the National Credit Union Administration (NCUA) “review [its] sexual harassment policies and procedures, [and] engage with [our] workers and outside experts to identify steps [that we] can take to better ensure [we] have a safe workspace where all workers are respected and have meaningful ways to get help when they have been harmed[.]” You asked this office to provide you a responsive memorandum. Our response begins with a summary of recent initiatives that the NCUA has undertaken for the purpose of ensuring that our workforce understands the agency’s harassment prevention policies and procedures and feels safe using our anti-harassment process. Following this summary is a list of proposed next steps to enhance the NCUA’s harassment prevention efforts.

Harassment and misconduct have no place at the NCUA. These types of behaviors are unacceptable and will not be tolerated. The NCUA is fully committed to ensuring a safe workspace for its employees, free of harassment or discrimination. Our commitment to equal employment opportunity and a harassment-free workplace is supported by the agency’s leadership on multiple levels.

In March 2020, for example, the NCUA Board established an independent Office of Ethics Counsel to house the agency’s Ethics Program and our Anti-Harassment Program. Any employee or agency contractor who feels they have been subjected to or has witnessed workplace harassment can contact the agency’s Anti-Harassment Program staff for guidance. In December 2020, the agency hired its first Chief Ethics Counsel to lead the Office of Ethics Counsel at an executive level reporting directly to the agency head. Subsequently, in April 2021, the agency recruited a dedicated Anti-Harassment Coordinator -- a Senior Counsel with more than 30 years of federal employment law experience -- to lead the agency’s harassment prevention program.

In 2021, the NCUA’s Anti-Harassment Coordinator updated the agency’s anti-harassment policies and procedures (attached), working closely with subject matter experts at the Equal Employment Opportunity Commission (EEOC). In its review of the agency’s final procedures the EEOC stated that the NCUA’s policies and procedures are a model policy for other agencies.

In keeping with the NCUA's commitment to ensure that relief was immediately available to all employees who felt that they were being subjected to harassment, the agency established a dedicated email address (Anti-Harassment@ncua.gov) as an additional reporting mechanism.

Further initiatives to build awareness of the agency's Anti-Harassment Program and employee rights and responsibilities regarding workplace harassment include:

- Recurring training for all agency employees on the policies and procedures to prevent harassment. The agency provides this training to: (1) every new employee as part of onboarding; and (2) every new supervisor upon promotion. We also provide the training to all employees as a periodic refresher at agency-wide trainings and events, such as at our National Training Conference in July 2023.
- An anti-harassment program update at the NCUA Chairman's All Staff Webinar (Nov. 2023),
- Communications to all agency managers and supervisors to ensure that they are aware of their responsibilities to identify and eliminate harassment (our procedures require that managers and supervisors submit any such reports to the Anti-Harassment Coordinator within three days of receipt);
- A survey of all employees to ensure that they were familiar with the agency's anti-harassment policies and procedures, and how to report harassment¹;
- Active engagement by the NCUA's Anti-Harassment Coordinator with the NCUA's Employee Resource Groups (ERGs),² the NCUA's Culture, Diversity, & Inclusion Council, and anti-harassment coordinators from other federal agencies; and
- Posting of the NCUA's policy and procedures (attached) for preventing and reporting harassment, signed by the Chairman, in all NCUA facilities. The NCUA also posts related messaging that appears periodically on monitors throughout our headquarters building, issues regular messages to staff, and maintains a resource center for all employees on NCUA Central, our internal website.
- Issuance of the Chairman's most recent Annual EEO Statement (attached) also includes information about the agency's anti-harassment program.

In addition to the agency's Anti-Harassment Program, the NCUA's Equal Employment Opportunity (EEO) program is housed in our Office of Minority and Women Inclusion (OMWI). Any employee may bring their concerns regarding potential harassment or discrimination to an EEO Counselor at any time, with the option of anonymity. The EEO process includes the right to a full investigation of a complaint of discriminatory harassment, a hearing before an EEOC Administrative Judge, an administrative appeal to the EEOC, and ultimately the opportunity to bring a civil action in court.

¹ The survey was conducted in the Fall of 2022; 86% of respondents indicated that they felt comfortable reporting instances of harassment.

² ERGs are voluntary, employee-led groups that serve as a resource for members and organizations within the agency by fostering a diverse, inclusive workplace aligned with organizational mission, values, goals, business practices, and objectives. At the NCUA, these groups include: APIC (Asian Pacific Islander Connection); CULTURA (Creating Unity, Learning To Understand, Recognizing All with special emphasis on the Hispanic/Latino culture); MPOWER (Employees with Disabilities); NCUA PRIDE (People Recognizing Individual Differences Equally); NEON (New Employees of the NCUA); SWAN (Supporting Women at NCUA); UMOJA (Blacks/African Americans and Allies); and VANS (Veterans Serving at the NCUA).

In addition to the protections provided under the law by our EEO office, in October 2019 the NCUA established a Culture, Diversity, and Inclusion Council, led by OMWI and the Office of Human Resources. The council's primary focus is the advancement and promotion of an inclusive and equitable agency culture.

The NCUA intends to continue these anti-harassment and EEO activities and to periodically conduct a comprehensive review of these procedures going forward. In particular, in 2024 the Office of Ethics Counsel will be collaborating with OMWI, the Office of Human Resources, and the Office of General Counsel to review the NCUA's anti-harassment policies and procedures. This review will include an assessment of the individual complaints of harassment filed, to include the types of harassment alleged and an examination of any patterns or trends that might appear in this examination.

The NCUA will additionally continue to seek input from the subject matter experts at the EEOC for their assistance in this review, which was invaluable in the development of our policies and procedures. In addition, the Office of Ethics Counsel will:

- Engage further with the NCUA's ERGs to seek suggestions and feedback for the agency's harassment prevention efforts.
- Initiate a workforce survey to determine the perceived accessibility, safety, and confidentiality of our anti-harassment procedures.
- Collaborate with the Office of Human Resources in the development of an employee attestation requiring all employees to annually certify that they have read and understand the NCUA's core values.
- Continue our practice of regular, in-person meetings between the Anti-Harassment Coordinator and agency managers and supervisors. These meetings provide for ongoing refresher training in the NCUA's Anti-Harassment Program and allow our managers and supervisors to seek assistance with any questions they may have regarding our policies and procedures.
- Maintain, and where warranted, enhance our ongoing communications to the workforce, reminding the NCUA team members that the agency does not tolerate harassment or retaliation and that there are multiple avenues to seek relief for anyone subjected to harassment.
- Regularly review -- and update as needed -- the agency's internal website's anti-harassment resources and explore ways to provide aggregate outcome data on harassment inquiries, while protecting individuals' privacy, to bolster accountability.

The goals of our efforts in these areas are to continue employee engagement, ensure that all employees feel respected, and provide that everyone understands and trusts that our anti-harassment procedures provide safe, meaningful avenues to address unlawful discrimination, harassment, and conduct inconsistent with the agency's values and policies. In turn, NCUA's harassment prevention efforts directly contribute to the agency's broader mission of protecting the system of cooperative credit and its member-owners through effective chartering, supervision, regulation, and insurance, and protecting consumers by ensuring equitable financial inclusion through a robust, safe, sound, and evolving credit union system.

If you have any questions, please contact the NCUA's Anti-Harassment Coordinator Donald Names at DNames@ncua.gov.

Attachments (3)

NCUA



INSTRUCTION

NO. 1235.08 (Rev. 2)

DATE: December 16, 2021

SUBJ: Prevention of Harassment in the Workplace

TO: All NCUA Staff

ENCL: [NCUA Anti-Harassment Process](#)

1. **PURPOSE.** This Instruction establishes NCUA’s policy on preventing harassment (including sexual harassment) in the workplace, and the procedure for employees and contractors to report harassment.
2. **CANCELLATION.** NCUA Instruction No. 1235.08 (Rev. 1) dated June 26, 2015, is cancelled and should be removed from the files.
3. **BACKGROUND.** The U.S. Equal Employment Opportunity Commission (EEOC) enforces the prohibitions against employment discrimination in: a) Title VII of the Civil Rights Act of 1964; b) the Age Discrimination in Employment Act of 1967; c) Title I and Title V of the Americans with Disabilities Act of 1990; d) Sections 501 and 505 of the Rehabilitation Act of 1973; e) Title II of the Genetic Information Nondiscrimination Act of 2008; and f) The Civil Rights Act of 1991. These laws prohibit discrimination based on race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity. Other authority, including Executive Order 13152 and the Civil Service Reform Act, preclude discrimination based on parental status and political affiliation. Harassment because of an individual’s membership in any of these protected bases is a form of unlawful discrimination. NCUA is committed to equal employment opportunity and a workplace free of unlawful discriminatory harassment or any other category of harassment.
4. **DEFINITIONS.**
 - A. **Employee.** All persons employed by the NCUA. For the purposes of the federal equal employment opportunity (EEO) complaint process, contractors are not generally considered NCUA employees, but they may use the NCUA anti-harassment reporting process described in this Instruction.
 - B. **Harassment.** Behavior that is unwelcome or offensive to a reasonable person and that creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive environment.

Examples of Prohibited Harassing Behavior. Examples of harassing behaviors prohibited by NCUA include, but are not limited to:

1. Epithets, slurs, or threatening, intimidating or hostile comments or acts that relate to race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity;
 2. Written or graphic material in the workplace (or electronic circulation of that material on NCUA computer or communications systems) that denigrates or shows hostility or aversion toward an individual or group because of race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity;
 3. Sexual harassment, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Examples of sexual harassment may include, but are not limited to: any implicit or explicit sexual conduct to influence or affect the career, pay, or job of another employee; sexually oriented comments about an individual's body or sexual prowess; sexually offensive comments, gestures, jokes, advances, physical contact, or propositions; or any display of sexually suggestive objects or pictures in the workplace.
- C. **Protected Activity.** Protected activities are activities that workers may engage in, such as reporting harassment, without fear of retaliation by supervisors or employers. Protected activity includes opposition to a practice believed to be unlawful discrimination or harassment. Protected activity also includes participation in the anti-harassment process, such as filing a report of harassment or providing evidence in response to a management inquiry regarding alleged harassment.
- D. **Protected Basis.** A protected basis is any of the statutorily protected characteristics which, by statute, are among those specifically designated by the statutes enforced by the EEOC, listed in the Background Section of this Instruction, above, including race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity.
5. **POLICY.** The NCUA is committed to maintaining a work environment free of harassment and correcting such conduct before it becomes severe or pervasive. The NCUA does not tolerate unlawful harassment of, or by, employees, contractors, or third parties. The NCUA does not tolerate retaliation for opposing harassment or participation in this anti-harassment process or for opposing discrimination or participation in the EEO complaint process.
- A. **Scope.** This policy covers all forms of harassment, including sexual harassment, and applies to NCUA employees and contractors whether or not they are in NCUA facilities while performing their official duties. It also applies to the conduct of third parties who visit NCUA facilities and to third parties at facilities visited by NCUA employees on

official NCUA business. Third parties include vendors, non-NCUA contractors, credit union officials or staff, and members of the general public.

NCUA's anti-harassment policy includes sexual harassment that may include employees' conduct outside of NCUA workspace and/or working hours, including work-related travel, because conduct between NCUA employees occurring outside of the agency's workspace or working hours may adversely impact the agency's work environment. Such conduct will be assessed for compliance with this policy on a case-by-case basis.

- B. **Protection from Retaliation.** It is unlawful for an individual to be retaliated against for filing harassment allegations, participating in the investigatory process, and any other protected activity. The NCUA will not tolerate any retaliation against an employee because they engaged in a protected activity or made allegations of harassment, witnessed harassing conduct, or provided information concerning harassment claims. The NCUA will take prompt corrective action in any situation involving retaliation. Employees should report retaliation to a supervisor or manager, a human resources specialist or advisor, an EEO specialist in the Office of Minority and Women Inclusion (OMWI), or the Anti-Harassment Coordinator in the Office of Ethics Counsel (OEC).

6. **RESPONSIBILITIES.**

- A. **Employees.** Employees must not engage in harassment. Employees are responsible for ensuring that their language and conduct is considerate of the rights and privileges of others in the conduct of their official duties. All NCUA employees and contractors are responsible for adhering to NCUA's anti-harassment policy and for cooperating fully in its enforcement, including the investigation of alleged incidents of harassment.

Employees are responsible for reporting any incident of harassment that they experience or observe, preferably *before* it becomes a pattern of misconduct that is pervasive and offensive, constituting a hostile work environment. Early identification and eradication of all types of harassment which detract from an efficient workplace is the responsibility of all NCUA employees.

Employees have the right to reasonably oppose harassment, and any allegedly discriminatory employment practice or decision, and to participate in NCUA's anti-harassment process, including participation as a witness when reports are filed by others, without fear of retaliation.

Individuals may choose to remain anonymous when reporting an incident of harassment or participating as a witness in this process. Anonymity may, however, limit the ability of the NCUA to conduct an effective inquiry. In addition, as an employer NCUA may be required to disclose certain information to individuals who have an official need to know due to the nature of the allegations, or to third parties as required by law or regulation.

- B. **Supervisors and Managers.** As employees, supervisors and managers must not engage in harassment. They are responsible for ensuring that the NCUA workplace is free of

harassment and meets the requirements of this anti-harassment policy, including all federal anti-discrimination policies and directives. Supervisors must monitor the work environment to ensure compliance with this policy.

All supervisors and managers are responsible for acting promptly and appropriately to prevent harassment in the workplace when they observe harassing conduct or are otherwise made aware of such conduct. They are responsible for acting appropriately to prevent retaliation against those who report harassment.

When an employee reports alleged harassment to a supervisor or manager, management is obligated to ensure that the allegation is promptly addressed and investigated, regardless of whether the report conforms to a particular format or is made in writing. Supervisors or managers must promptly (within three business days) notify the Anti-Harassment Coordinator in the OEC (see Procedures for Resolving Reports of Harassment, below) about any incident of harassment that they witness or that is otherwise brought to their attention. When further investigation is necessary, management may be required to take interim measures, such as modifying work assignments or work locations, to ensure that alleged harassment ceases promptly and does not recur. If it is determined that harassment has occurred, supervisors and managers have a duty to take corrective or disciplinary action, in consultation with the appropriate officials, which include the Anti-Harassment Coordinator, and may also include the Office of Minority and Women Inclusion (OMWI) when EEO issues are raised, the Office of Human Resources (OHR) when disciplinary actions, employee counseling, or other HR actions are required, and the Office of General Counsel when legal issues arise.

- C. **Office of the Inspector General.** All harassment allegations against an NCUA employee brought by a person who is not an NCUA employee (e.g., credit union employee, credit union vendor), will be referred to the Office of the Inspector General for a decision on whether to open an investigation. Rather than opening an investigation, the OIG may refer harassment allegations to the Anti-Harassment Coordinator to address. In circumstances involving harassment of or by an NCUA contractor under OIG's contracting authority, OIG will review relevant contracts in consultation with the OEC for potential remedies to identify immediate and appropriate corrective action.
- D. **Office of General Counsel (OGC).** The Office of General Counsel will provide legal advice, as needed. In circumstances involving harassment of or by an NCUA contractor under OGC's contracting authority, OGC will review relevant contracts in consultation with the Office of the Chief Ethics Counsel or Anti-Harassment Coordinator for potential remedies to identify immediate and appropriate corrective action.
- E. **Office of Human Resources (OHR).** The Office of Human Resources will provide advice on human resources (personnel) matters.
- F. **Office of Ethics Counsel (OEC).** The Office of Ethics Counsel will publicize anti-harassment policy and procedures throughout the agency, to ensure that NCUA

employees are aware of their rights and responsibilities, including the appropriate procedures to follow and to report harassment or retaliation pursuant to this Instruction. All harassment allegations brought by an NCUA employee or NCUA contractor will be referred to the Anti-Harassment Program in OEC, as set forth in Section 7 (Procedures for Resolving Reports of Harassment) below. The Anti-Harassment Coordinator in the OEC will:

- Conduct intake and monitor all such allegations;
- Conduct an initial examination of each report of harassment to determine an immediate and appropriate response, in consultation with the Human Resources Office, the Office of General Counsel, EEO officials in OMWI, and appropriate agency managers and supervisors, as needed;
- Conduct a management inquiry into allegations of harassment when necessary to determine whether harassment has occurred and recommend appropriate corrective action;
- Receive and review all Anti-Harassment Program management inquiry investigative reports produced, whether by NCUA personnel or contract investigators, and in consultation with OHR, OGC, and EEO officials in OMWI, as needed, determine whether harassment has occurred and whether to recommend corrective action;
- To the greatest extent possible, ensure the confidentiality of matters referred to the Anti-Harassment Program, consistent with law and regulation;
- Maintain and track information on the number of allegations referred to the Anti-Harassment Program, the bases for the allegations, and corrective actions taken; and
- Develop and deliver training and technical assistance on NCUA's Anti-Harassment policies and procedures, including training for all employees, supervisors and managers on their rights and responsibilities in this process. Provide periodic training for managers and supervisors. Incorporate these policies and procedures into employee orientation materials and consult with the regional offices on their education and awareness efforts regarding anti-harassment.

The Chief Ethics Counsel or the Anti-Harassment Coordinator will also refer all reports involving non-employees to the Office of the Inspector General for consideration.

- G. **Office of Minority and Women Inclusion (OMWI)**. OMWI will provide advice on EEO matters and inform OEC of all EEO counseling activity where harassment is alleged.
- H. **Office of Chief Financial Officer (OCFO) and Asset Management and Assistance Center (AMAC)**. In circumstances involving harassment of or by an NCUA contractor, OCFO or AMAC, as appropriate, will review relevant contracts in consultation with the Office of General Counsel and the Chief Ethics Counsel or Anti-Harassment Coordinator for potential remedies to identify immediate and appropriate corrective action.

7. **PROCEDURES FOR RESOLVING REPORTS OF HARASSMENT.**

An employee who believes they have experienced harassment should first inform the offending person that such conduct is unwelcome and must stop. If the employee is not comfortable doing so, the employee should promptly report the matter to their supervisor, any other management official, or the Anti-Harassment Coordinator in OEC. Reports of harassment may be initiated by contacting any supervisor or manager, by calling the Anti-Harassment Hotline at (703) 518-6613, or by emailing the Anti-Harassment Program in-box: Anti-Harassment@ncua.gov. These procedures do not replace, substitute, or satisfy the separate requirements of filing an EEO complaint, negotiated or administrative grievance, Merit Systems Protection Board appeal or other statutory grievance procedure. Information regarding the filing of an EEO complaint is provided in Section B, below. An employee may use the Internal NCUA Anti-Harassment Report Process (at the above email address) or the EEO Complaint Process (item B below), or both processes simultaneously, to address harassment claims. The bases for EEO complaints include race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity. No protected basis is required to use the Internal NCUA Anti-Harassment Report Process. Employees who choose to use both processes should be mindful of the 45-day time period required to initiate an EEO complaint, and that referring a report to the Anti-Harassment Program will not satisfy the 45-day time period required to initiate the EEO process.

- A. **Internal NCUA Process for Harassment Reports.** An NCUA employee who experiences harassment should notify their supervisor, any management official, the EEO office, or the Anti-Harassment Coordinator in OEC before the conduct becomes severe or pervasive. Any management official notified of a report of harassment (orally or in writing) must notify the Anti-Harassment Coordinator in OEC within three (3) business days of receiving the report of harassment. Within ten (10) calendar days of receipt of notification of a report of harassment, OEC will conduct an initial inquiry and, when appropriate, attempt to informally resolve the matter. Such resolution may include proposed disciplinary action for those employees engaged in the reported harassing conduct, remedies for those affected by the reported conduct, and recommendations to ensure such conduct does not recur. If needed, the Anti-Harassment Coordinator will assign an independent factfinder who will conduct a prompt, thorough, and impartial inquiry into the reported harassment. After completion of the fact-finding inquiry, the independent factfinder will summarize the facts found and provide a report to OEC.
- i. **Corrective Action.** Harassment may take different forms and, therefore, may require different corrective actions. Corrective action must be taken to prevent or eliminate the conduct before it rises to the level of unlawful harassment, and to ensure that it does not recur. The NCUA will initiate immediate and appropriate corrective action within 60 calendar days of receiving a report of harassment. The circumstances of each case will dictate the corrective action required. In cases where final corrective action cannot be completed within 60 calendar days, interim corrective actions may be put in place to immediately address the reported conduct.

If it is determined that harassment or other inappropriate conduct has occurred, the Anti-Harassment Coordinator and/or the Chief Ethics Counsel, in coordination with the supervisor of the offending NCUA employee, will consult with NCUA's OHR and OGC, if necessary, to determine immediate and appropriate corrective action, including any warranted disciplinary action. The Chief Ethics Counsel may then recommend corrective action to the appropriate supervisory chain of command, including the NCUA Board, the Office of the Executive Director, Regional or Office Directors, or others with delegated authority to implement such actions. In all cases, neither the Anti-Harassment Coordinator nor the Chief Ethics Counsel act as proposing or deciding officials if NCUA management determines that corrective action must be taken. The supervisor of the offending employee will ensure that OEC is informed of decisions to take corrective action or not in connection with the harassing behavior.

For reports involving an NCUA contractor, the OEC will also report the conduct to the OCFO's Division of Procurement and Facility Management, the AMAC, or other office with contracting authority, as appropriate, which will review the related contract in coordination with OGC for appropriate corrective action. If the offending party is not an NCUA employee or contractor, the agency will take action reasonably calculated to ensure that the conduct does not recur. In either circumstance, the office with the relevant contracting authority will inform the Anti-Harassment Coordinator in OEC of the corrective action taken, including a decision not to act.

- ii. **Confidentiality**. The information collected pursuant to this Instruction will be kept confidential, to the greatest extent possible, in accordance with applicable law and a thorough and fair process. Individuals may choose to remain anonymous when reporting an incident of harassment to OEC and during the informal EEO pre-complaint process. Anonymity may, however, limit the ability of the NCUA to conduct an effective inquiry. In addition, as an employer NCUA may be required to disclose certain information to individuals who have an official need to know due to the nature of the allegations, or to third parties as required by law or regulation. As such, absolute confidentiality may not be guaranteed in all cases. Documents containing information collected during an inquiry or investigation of such allegations will be stored consistent with personally identifiable information security standards, as set forth in NCUA Instructions.

- B. **EEO Complaint Process**. In addition to the procedures set forth in this Instruction to report harassment through the Internal NCUA Process for Harassment Reports, NCUA employees may also file a harassment complaint under the discrimination complaint procedures of Title 29 Code of Federal Regulations, Part 1614. Federal law prohibits harassment in the workplace because of race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity. It is not necessary to use the Internal NCUA Process for Harassment Reports before initiating the EEO complaint process. Employees should be mindful that using the Internal NCUA Process for

Harassment Reports will not toll the 45-day time period (set out below) required to initiate the EEO process.

The first step in the complaint process requires that the individual contact the OMWI EEO Intake Line at 703-518-6325 or EEOMail@ncua.gov within 45 days of the most recent incident of harassment or retaliation. Failure to contact OMWI within the 45-day timeframe may result in the loss of the right to a remedy through the EEO complaint process. OMWI will assign the case to an EEO Counselor who will conduct an inquiry and attempt to informally resolve the matter with appropriate NCUA officials. If the matter cannot be resolved, the EEO Counselor will provide the individual with a notice of their right to file a formal complaint.

Once an individual is provided with the right to file a formal complaint, the individual may file a formal harassment complaint with OMWI. When OMWI receives the complaint, it will determine if the complaint is timely filed and acceptable for investigation. If the complaint is investigated, OMWI will issue a Report of Investigation to the complainant and inform him or her of the right to a decision on the merits by NCUA (with or without an administrative hearing), with right of appeal to the EEOC and subsequent review by a Federal District Court. If the ultimate decision (by NCUA, EEOC, or Court) finds that harassment occurred, the complainant will be provided an appropriate remedy. For more information on the formal complaint process, visit the EEOC's website at www.eeoc.gov or contact NCUA's OMWI at 703-518-6325 or EEOMAIL@ncua.gov.

8. **EXPIRATION:** This instruction is effective immediately and will remain in effect until cancelled or superseded.

/S/

Larry Fazio
Executive Director

Authoring Office
OEC

ENCLOSURE 1: NCUA ANTI-HARASSMENT PROCESS

EMPLOYEE REPORTS INCIDENT(S) TO:	PROCEED TO:
Management Official or Office of Human Resources (OHR)	Stage 1
Anti-Harassment Coordinator (AHC)	Stage 3

STAGE	WHAT HAPPENS
1	<p><u>Management Official or Office of Human Resources (OHR)</u></p> <ul style="list-style-type: none"> • Receives a report of alleged harassing behavior or observes potentially harassing conduct. • Informs the Anti-Harassment Coordinator (AHC) within three business days of receiving the report. • Provides the AHC with a copy of any written document or other information received from individual reporting harassment.
2	<p><u>Management Officials</u></p> <ul style="list-style-type: none"> • In consultation with the Anti-Harassment Coordinator, OHR, and the Office of General Counsel (OGC), if needed, consider if interim relief is necessary to protect an employee from potential harassing behavior until an investigation into the matter is complete. • Examples of interim relief include, but are not limited to: <ul style="list-style-type: none"> ○ Issuance of a Cease and Desist Letter; ○ Temporary reassignment of the alleged harasser to a different office/cubicle/location or supervisor; and ○ Temporary placement of the alleged harasser in telework status.
3	<p><u>Anti-Harassment Coordinator (AHC)</u></p> <ul style="list-style-type: none"> • Receives report or becomes aware of harassing behavior. • Notifies the employee reporting harassment about investigation procedures, confidentiality, and other available avenues of redress. • Notifies management officials of reported harassing conduct or retaliation, where appropriate. • Conducts initial assessment within 10 business days of receipt of report. • Assigns the matter to Contract Investigator if necessary.
4	<p><u>Contract Investigator</u></p> <ul style="list-style-type: none"> • Conducts investigation of reported harassment, including contacting individual reporting harassment, the alleged harasser(s), collecting relevant evidence, identifying other individuals who may have relevant information and conducting interviews of witnesses. • Prepares a Report of Investigation (ROI) summarizing the facts found with potential recommendations and submits ROI to AHC.

5	<p><u>Chief Ethics Counsel and Anti-Harassment Coordinator</u></p> <ul style="list-style-type: none"> • Chief Ethics Counsel issues memorandum to appropriate management officials and OHR summarizing the findings and recommendations of the Office of Ethics Counsel. • AHC Notifies the reporting employee of the status of the Management Inquiry and next steps, as appropriate.
6	<p><u>Management Official(s)</u></p> <ul style="list-style-type: none"> • Review the Chief Ethics Counsel memorandum and the ROI and determine whether immediate and appropriate corrective action, including disciplinary action, is warranted. • Consult with OHR for appropriate corrective action, as needed. • Determine the immediate and appropriate corrective action, including disciplinary action, if any, to be taken, and the timing of that action. The immediate and appropriate corrective action depends on the severity and/or pervasiveness of the offense, the action required to end such behavior, the alleged harasser’s prior disciplinary and behavior history, and other factors required by law to be considered. • Communicate the corrective action, if any, to the alleged harasser and impose that action upon him/her.
7	<p><u>Office of Human Resources (OHR)</u></p> <ul style="list-style-type: none"> • Provides support to Management Officials(s) to effectuate corrective action as determined by the Management Official(s). • Documents the corrective action taken, if any, and provides AHC and OGC with a closing memorandum documenting such action, including any decision not to act, and the date on which such action was taken or the matter closed. • Where required, records the corrective action in the official personnel file.
8	<p><u>Anti-Harassment Coordinator</u></p> <ul style="list-style-type: none"> • Analyzes OHR and management’s response to Anti-Harassment reports and any corrective action taken to ensure fairness, accountability, and consistency, and prepares an annual report concerning the Agency’s response to such complaints.

Reports of harassment may be initiated by contacting any supervisor or manager, calling the Anti-Harassment Hotline at (703) 518-6613, and/or emailing the Anti-Harassment Program in-box: Anti-Harassment@ncua.gov.



National Credit Union Administration

NCUA Anti-Harassment Program

The NCUA is committed to maintaining a work environment free of harassment and correcting such conduct before it becomes severe or pervasive. The NCUA does not tolerate unlawful harassment of, or by, employees, contractors, or third parties.

Harassment includes behavior that is unwelcome or offensive to a reasonable person and that creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive environment. The NCUA's anti-harassment policy includes harassment that may include employees' conduct outside of the NCUA workspace and/or working hours, including work-related travel, because conduct between NCUA employees occurring outside of the agency's workspace or working hours may adversely impact the agency's work environment.

The NCUA does not tolerate retaliation for opposing harassment by an employee, contractor or third party or for participation in this anti-harassment process or for opposing discrimination or participation in the equal employment opportunity (EEO) complaint process.

Employees are responsible for reporting any incident of harassment that they experience or observe, preferably *before* it becomes a pattern of misconduct that is pervasive and offensive, constituting a hostile work environment.

All supervisors and managers are responsible for acting promptly and appropriately to prevent harassment in the workplace when they observe harassing conduct or are otherwise made aware of such conduct. They are responsible for acting appropriately to prevent retaliation against those who report harassment. Supervisors and managers must promptly (within three business days) notify the Anti-Harassment Coordinator in the Office of Ethics Counsel about any incident of harassment that they witness or that is otherwise brought to their attention.

A report of harassment can be initiated by:

- **contacting any supervisor or manager;**
- **emailing the Anti-Harassment Program directly via anti-harassment@ncua.gov;**
or
- **calling the Anti-Harassment Hotline at (703) 518-6613.**

These procedures do not replace, substitute, or satisfy the separate requirements of filing an EEO complaint, negotiated or administrative grievance, Merit Systems Protection Board appeal or other statutory grievance procedure.

The NCUA's policy and program prohibiting harassment is described in detail in NCUA Instruction 1235.08 (Rev. 2) (December 16, 2021).

December 2022

A handwritten signature in blue ink, appearing to read "Todd M. Harper", is positioned above the printed name.

Todd M. Harper
Chairman
National Credit Union Administration
1775 Duke Street | Alexandria, VA 22314

NCUA's Annual Equal Employment Opportunity Policy Statement

Office of the Chairman

September 2023

Equal employment opportunity (EEO) requires an organization to take proactive steps to afford both existing employees and applicants an equal opportunity to attain or maintain employment. Each of us has a fundamental responsibility for ensuring that the NCUA is a model employer by adhering to EEO statutes and by advancing diversity, equity, inclusion, and accessibility values within the agency. These practices align with the law and, more importantly, with [the NCUA's values](#) of integrity, inclusion, and accountability.

We all deserve to work in an environment in which we are treated fairly and equitably, and where we can participate fully in all benefits of employment including recruitment, hiring, compensation, appraisals, awards, training, promotions, and career development programs. All NCUA employees must follow EEO laws, regulations, and policies in their daily conduct and business practices. Likewise, senior leaders, managers, and supervisors must monitor the work environment and ensure it is free of unlawful employment discrimination in all management practices and decisions.

Both NCUA employees and applicants for employment are protected by federal laws and Executive Orders designed to safeguard from discrimination on the basis of race, color, religion, sex (including gender identity, pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability (physical or mental), or genetic information (including family medical history). Discrimination based on political affiliation, parental and marital status, military service, or any other non-merit-based factor is also prohibited at the NCUA. Consistent with these obligations, the NCUA provides [reasonable accommodations](#)[\(opens new window\)](#) to employees and applicants with disabilities and for sincerely held religious beliefs, observances, and practices.

To provide a safe environment for all employees and applicants, the NCUA does not tolerate retaliation against an individual who engages in a protected activity such as reporting discrimination or harassment, participating in the EEO

process, [whistleblowing](#), or exercising any appeal or grievance right provided by law. Further, the NCUA prohibits sexual harassment and harassment of all kinds.

NCUA employees and applicants who believe they have been subjected to discrimination, unlawful harassment, or retaliation should contact the NCUA's EEO Intake Line at 703.518.6325 or EEOMail@ncua.gov within 45 days of the employment action or event they believe is discriminatory. Also see [Workplace Resolutions](#). Individuals may, as appropriate, contact the Office of Special Counsel at 202.804.7000 or the Merit Systems Protection Board at 202.653.7200.

Employees who experience or observe harassment should report it to any manager, supervisor, and/or to the NCUA's [Office of Ethics Counsel \(OEC\)](#). Managers and supervisors are responsible for ensuring lawful employment practices and must act appropriately to prevent retaliation against employees who report harassment. Managers and supervisors are required to take immediate and corrective action when unlawful workplace practices occur, and they must report any instance of harassing conduct or report of harassment within three business days by contacting the OEC's Anti-Harassment Coordinator at 703.518.6613 or AntiHarrassment@ncua.gov.

As Chairman of the National Credit Union Administration and on behalf of the NCUA Board, I reaffirm the agency's collective commitment to a workplace free of unlawful discrimination, harassment, and retaliation.

/s/

Todd M. Harper

Chairman

National Credit Union Administration

1775 Duke Street | Alexandria, VA 22314

Last modified on
09/19/23