

Policy

396.1 Purpose and background

1. The National Archives and Records Administration (NARA) commits to maintaining a work environment free from harassing behaviors for its employees, contractors, volunteers, visitors, interns, and customers.
2. Harassment undermines the integrity of employment relationships and interferes with work productivity. NARA does not tolerate harassment of any kind.
3. NARA has appropriate measures to prevent harassment (sexual or non-sexual) in the workplace and to correct harassing behavior before it becomes severe or pervasive. Where there are resolvable conflicts, employees, supervisors, and managers are empowered and encouraged to work amicably and in good faith toward a resolution before the conflicts escalate.
4. Violations of this policy may result in administrative or disciplinary actions (including removal) against offenders pursuant to [NARA 363, Discipline and Adverse Actions](#).

396.2 Scope and applicability

The following individuals are protected by and subject to this policy:

1. All NARA employees (full-time, part-time, and intermittent, permanent, and temporary), students, and interns.
2. Non-employees who perform work or services at NARA-owned or -leased facilities, including:
 - a. Contractor employees working under NARA contracts (as included in NARA contract terms and conditions).
 - b. NARA volunteers and unpaid interns.
3. Employees, volunteers, and contractors of the National Archives Foundation (NAF) and Presidential library support organizations (foundation/institute staff).
4. Visitors to NARA-owned or -leased facilities, including:
 - a. Applicants for federal employment.
 - b. Customers who use NARA facilities or on-site NARA systems (e.g., researchers with valid researcher identification cards).
 - c. Any other visitors who interact with NARA employees and non-employees while at NARA facilities or while using NARA services.

396.3 Policy

1. Harassment
 - a. Federal laws prohibit workplace harassment based on race, color, national origin, sex, religion, disability, age (40 or older), genetic information, or pregnancy, childbirth, or other related medical conditions, consistent with 29 CFR § 1614.101(a). Harassment is a form of employment discrimination when it violates [Title VII of the Civil Rights Act of 1964](#), the [Age Discrimination in Employment Act of 1967 \(ADEA\)](#), and/or the [Americans](#)

[with Disabilities Act of 1990 \(ADA\)](#). NARA regards harassment as any unwelcome or unwanted verbal, non-verbal, or physical conduct, regardless of whether it is due to an individual's protected class (i.e., one of the bases identified above).

- b. For harassment to become unlawful, it must be based on a legally protected characteristic and involve either:
 - i. A change to the terms or conditions of employment.
 - ii. Conduct that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
 - c. Harassing behavior by a NARA employee does not need to rise to the level of unlawful harassment for it to constitute misconduct.
 - d. Harassing conduct includes, but is not limited to: bullying, slurs, derogatory or disrespectful remarks, spreading rumors, swearing, jokes, obscenities, incessant teasing, expressing or insinuating threats, threatened assault, hitting, punching, other unwanted touching, and malicious or insulting gestures.
2. Sexual harassment
 - a. Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. This includes when:
 - i. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.
 - ii. Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment.
 3. NARA has an obligation to address all allegations of harassment. Therefore, once a report is submitted to the Harassment Prevention and Response Program (HPR), it is required to process the matter to completion, regardless of whether the aggrieved party wishes to proceed.
 4. Training
 - a. All employees are required to take refresher policy training annually. This includes a discussion on the topic of harassment.
 - b. Managers and supervisors also receive additional refresher training.

396.4 Harassment Prevention and Response (HPR) Program

1. The HPR Program offers a streamlined and transparent way to report and respond to workplace harassment. The program focuses on support and prevention, offering training resources, job aids, and access to coaching resources for early intervention.
2. The HPR Program attempts to resolve allegations at the lowest level using available resources, including, but not limited to:
 - a. NARA's Alternative Dispute Resolution (ADR) process, also known as RESOLVE.
 - b. Offering alleged victims the right to request temporary reassignment while their allegations are adjudicated.

3. The HPR Program aids management officials in conducting prompt and impartial inquiries into harassment allegations. It is comprised of a representative from:
 - a. Office of Human Capital (H): humancapital@nara.gov
 - b. Office of General Counsel (NGC): ngc@nara.gov
 - c. Office of Equal Employment Opportunity (EEO): neeo@nara.gov
4. Employees may also contact the Office of Inspector General (OIG) at 301-837-3500 or oig.hotline@nara.gov.

396.5 Reporting violations

The HPR Program must process all harassment cases promptly. The HPR Program will initiate investigation within 10 calendar days of receiving allegations of harassment. Failure to appropriately report an incident of harassment puts the Agency at risk and may also result in administrative action, including disciplinary action. The investigation into a harassment allegation will be conducted fairly and impartially and the confidentiality of individuals bringing claims of harassment will be maintained to the extent possible. Supervisors, volunteer coordinators, contracting officers (CORs), and management officials must immediately report harassing conduct, or allegations of harassing conduct, by others.

1. Employee reports
 - a. Employees who believe they have been subjected to harassment should report the incident(s) to their supervisor or a manager in their chain of command or submit a report through NARA's [Harassment Prevention and Response \(HPR\) Portal](#). Employees can also contact the Harassment Prevention and Response (HPR) Program at hpr@nara.gov. *(Note: Do not send any material of a sensitive nature to this email address.)*
 - b. Third parties who believe they witnessed harassment may also report on their own behalf or on behalf of another individual(s).
2. Supervisor reports
 - a. Supervisors must take action to address harassment and/or inappropriate conduct in NARA workspaces (including virtual spaces) as quickly as possible, but no later than 72 hours after becoming aware of the allegations.
 - b. Reports may be filed in coordination with the employee or on their behalf using NARA's [Harassment Prevention and Response Portal](#).
3. Retaliation
 - a. Anti-discrimination laws prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.
 - b. In addition, NARA prohibits any retaliation against an employee who reports a concern about workplace harassment or other inappropriate behavior, or assists in any inquiry about such a report.

4. Equal Employment Opportunity (EEO) complaint filing

Employees who wish to file an EEO complaint alleging discrimination and/or harassment should file a complaint within **45 calendar days** of the date of the incident(s) to NARA's Office of Equal Employment Opportunity (NEEO). See [NARA 395, Equal Employment Opportunity Complaints Program](#). EEO can be contacted by:

- a. Calling 301-837-0939.
- b. Faxing 301-837-0869.
- c. Emailing eeocomplaints@nara.gov.

396.6 Responsibilities

In addition to the authorities delegated in NARA 101, NARA Organization and Delegation of Authority, the following responsibilities are assigned to effectively implement this policy.

1. **All NARA employees, students, interns, contractors, and volunteers and contractors of the National Archives Foundation (NAF) and Presidential library support organizations (foundation/institute staff)** (See 396.2, Scope and applicability, for more information.)
 - a. Are accountable for their behavior and are expected to conduct themselves with the highest standards of integrity.
 - b. Are encouraged to report harassing behavior(s).
 - c. Are expected to become familiar with this policy and complete required training.
2. **NARA visitors**
 - a. Are responsible for abiding by NARA's harassment prevention policy. Those who engage in harassing conduct and/or inappropriate behavior will be subject to an administrative action in accordance with building regulations and NARA policies, which may include loss of access to NARA facilities or services;
 - b. Are encouraged to report harassing behavior(s).
3. **Managers, supervisors, volunteer coordinators, contracting officers (COR) and contracting officers' technical representatives (COTR)**
 - a. Take appropriate steps to ensure that NARA provides a workplace, facilities, and services free of harassment, and act promptly and effectively to stop hostile or abusive conduct of which they are or become aware.
 - b. Promptly report harassment or allegations of harassment to address inappropriate behaviors, to include taking responsive action(s) and providing information, support, and assistance to employees. Failure to report an incident of harassment may result in administrative action, including disciplinary action.
 - c. Work with the HPR Program to ensure allegations of harassment are investigated and addressed.
 - d. Ensure awareness of NARA's harassment prevention policy, including that it is posted on office bulletin boards and research rooms, as relevant.
 - e. Take action to prevent retaliation against those who complain of harassment.

4. **The Harassment Prevention and Response (HPR) Program**
 - a. Gathers information, assesses the incident, and compiles necessary documentation.
 - b. Informs, supports, and assists managers and employees on harassment prevention.
 - c. Notifies the Office of Inspector General (OIG) of all reported incidents involving fraud, waste, abuse, and mismanagement before starting an investigation.
5. **The Office of Human Capital (H)**
 - a. Provides oversight of the HPR Program.
 - b. Administers NARA's HPR policy and serves as the non-emergency point of contact for questions.
 - c. Ensures that this policy and appropriate agency materials are available to all employees and that all employees are aware of the procedures and instructions in them.
 - d. Immediately notifies the OIG if it appears that allegations might involve fraud, waste, abuse, or mismanagement.
 - e. Works with managers and supervisors to process any disciplinary action managers decide to implement.
 - f. Ensures favorably adjudicated background checks are completed prior to potential employees' NARA entrance-on-duty dates.
6. **Office of Equal Employment Opportunity (NEEO)**
 - a. Serves as a representative for the HPR Program.
 - b. Processes EEO complaints regarding harassment.
 - c. Provides technical assistance to NARA staff and offices and training regarding harassment.
 - d. Refers harassment allegations to the HPR Program if they are not brought as part of an EEO complaint.
 - e. Assesses HPR compliance with relevant laws and Equal Employment Opportunity Commission's (EEOC) regulations.
7. **The Office of General Counsel (NGC)**
 - a. Serves as a representative for the HPR Program.
 - b. Provides legal advice on and represents NARA in matters arising from workplace harassment.
8. **Business Support Services, Security Management Division (BX)**
 - a. *At NARA facilities where BX is present*, provides escorts or ready responses to the Office of Human Capital or management officials who need assistance confronting potentially violent employees.
 - b. *At NARA facilities where BX is not present*, ensures that management officials understand who to contact and coordinates with any on-site security force. (If the facility lacks a NARA security force or Federal Protective Service (FPS) detachment, management officials should contact local police.)

- c. Works with NGC to ensure aggressive, dangerous, or violent individuals are removed from NARA facilities and placed on a barred list, restricting their access to NARA facilities and staff in accordance with NARA regulations.
 - d. Determines whether local law enforcement agencies should be contacted when there is a reasonable risk that an incident of harassment or violence may occur impacting the victim or the workplace, or when it is felt that the police will have additional information about the perpetrator that will allow BX to gauge the suspect's threat level. In such instances, BX will take the victim's confidentiality concerns into account by notifying the latter that the police will be contacted.
- 9. Office of Inspector General (OIG)**
- a. May investigate allegations of harassment in connection with fraud, waste, abuse, or mismanagement.
 - b. The OIG may also investigate allegations of conflicts of interest or impropriety within NARA's Harassment Prevention and Response Program and coordinate with the HPR Program as needed.
 - c. Because the OIG is an independent office, any investigations into harassment by or of OIG staff will be coordinated with the OIG or an appropriate body, depending upon the allegations.

396.7 Authorities and records management

Authorities

1. Equal Pay Act of 1963, as amended.
2. Title VII of the Civil Rights Act of 1964 (Title VII), as amended.
3. The Age Discrimination in Employment Act of 1967 (ADEA).
4. The Rehabilitation Act of 1973, Sections 501 and 505, as amended.
5. Civil Service Reform Act of 1978 (CSRA) provides some protection against discrimination on the basis of political affiliation.
6. Americans with Disabilities Act (ADA) of 1990, as amended.
7. Executive Order 13087 (1998), which amended Executive Order 11478, prohibiting discrimination in federal employment based on sexual orientation.
8. EEOC's Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999).
9. Executive Order 13152 (2000), which amended Executive Order 11478, prohibiting discrimination in federal employment based on status as a parent.
10. Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.
11. Equal Employment Opportunity Commission Management Directive 715 (2003).
12. EEOC's Model EEO Programs Must Have an Effective Anti-Harassment Program (2005).
13. Genetic Information Nondiscrimination Act of 2008.
14. NARA-AFGE National Agreement (April 22, 2024).

15. Executive Order 14168, [Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#) (2025).
16. OPM's guidance "[Initial Guidance Regarding President Trump's Executive Order *Defending Women*](#)" (2025).
17. 5 U.S. Code § 7114, Representation rights and duties—gives bargaining unit employees the right to have a union representative present during any formal meetings about a harassment complaint.
18. 29 CFR Subtitle B Chapter 1 Part 100 Subpart B § 100.201, Audits and Investigations.
19. 29 CFR Part 1614, Federal Sector Equal Employment Opportunity Regulations.
20. 36 CFR Part 1280, Use of NARA Facilities.

Records management

Contact the [Office of Records Control and Oversight \(CO\)](#) with any questions regarding the management of these records: recordsmatter@nara.gov.