**The Secretary of Energy**
Washington, DC 20585

September 15, 2005

MEMORANDUM FOR ALL DEPARTMENTAL EMPLOYEES

FROM: SAMUEL W. BODMAN Samuel W Bodman

SUBJECT: Prevention of Harassment (Including Sexual Harassment) and Retaliation Policy Statement

The purpose of this policy statement is to affirm the Department of Energy's responsibility to maintain a workplace free from harassment (including sexual harassment) and retaliation, and to ensure that all employees are aware of my personal commitment to this goal.

Harassment is any unwelcome verbal, written, or physical conduct that either denigrates or shows hostility or aversion toward a person on the basis of race, color, national origin, religion, sex, disability, or age that (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

Sexual harassment is defined as unwelcome behavior of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, physical conduct of a sexual nature, or other similar behavior. Sexual harassment is not limited to prohibited conduct by a male employee toward a female employee. A male, as well as a female, may be the victim of sexual harassment. Similarly, sexual harassment is not limited to the actions of a supervisory employee toward a non-supervisory employee; the harasser may be an agent of the employer, a supervisory employee who does not supervise the victim, a co-worker or even a non-employee.

Employees who take action to report or stop prohibited harassment (sexual or non-sexual) are legally entitled to be free from retaliation. Retaliation is a form of discrimination where an employee is subjected to an adverse employment action or harassment that creates a hostile or abusive work environment, solely because he or she opposed an unlawful employment practice. "Opposing" an unlawful employment practice includes filing a charge of discrimination, participating in an investigation, proceeding or hearing, or taking other, similar action in opposition to the unlawful practice.

Printed on recycled paper

I strongly encourage employees to address harassment before it becomes severe or pervasive. An individual being harassed may confront the harasser directly if he or she feels comfortable doing so but is never required to confront the harasser directly. In the alternative, the individual being harassed may report the harassment to any management official or directly to the Equal Employment Opportunity (EEO) Office at his or her workplace.

Employees who wish to file a formal complaint of discrimination regarding harassment or retaliation must contact an EEO Counselor within 45 days of the alleged discriminatory action, or within 45 days of the date on which they reasonably become aware of the discrimination. The complaint process provides for a prompt, thorough, and impartial investigation. The Department will seek to protect the confidentiality of harassment and retaliation allegations, to the extent possible, and will share information only with those who have a need to know in the performance of their official duties.

Supervisory employees are responsible for informing their respective management of any conduct that they know or have been informed may constitute harassment within the Department of Energy. Supervisory employees who have knowledge of an act of possible harassment should contact the Office of Civil Rights and Diversity for guidance, even if they have been asked to keep the matter confidential. They are also responsible for taking immediate and appropriate corrective action, including disciplinary action, with respect to any matter involving an allegation of harassment, as advised by their local EEO Office.

Every employee has the right to work in an environment free from unlawful harassment and unlawful retaliation. Any employee of the Department of Energy who engages in harassment or retaliation in violation of the law or of this policy is subject to disciplinary action, which may include suspension or dismissal.

For more information regarding harassment in the workplace, or information on how to file an EEO complaint, you may consult http://civilrights.doe.gov.