

ROMANTIC AND/OR SEXUAL INTERACTIONS IN THE WORKPLACE

1. **PURPOSE.** To promote a positive and productive work environment free from management officials engaging in, or attempting to engage in, undisclosed romantic and/or sexual interactions with subordinate employees.
2. **POLICY.** Establishes a policy prohibiting management officials from engaging in, or attempting to engage in, undisclosed romantic and/or sexual interactions with their subordinate employees. Public service is a public trust and management officials are expected to uphold ethical principles by avoiding conflicts of interest and the appearances thereof. This policy requires management officials to disclose romantic and/or sexual interactions and work to identify and resolve conflicts or potential conflicts they may create.
3. **SCOPE.**
 - a. **Management Officials.** For the purposes of this notice, management officials are those Department of Veterans Affairs (VA) employees who have a formal supervisory relationship with, or are within the same line of supervision as a subordinate employee, (e.g., immediate supervisor or higher-level official within the employee's supervisory chain). Supervisory relationships are inherently unequal because the management official has authority, influence, or power over the subordinate employee's conditions of employment, or can directly impact the subordinate employee's career progression.
 - b. **Inappropriate Behavior.** Management officials are encouraged to develop professional relationships in the workplace. However, they are prohibited from attempting to initiate, initiating, pursuing, engaging in, or maintaining an undisclosed romantic and/or sexual interaction with subordinate employees, even if consensual. A romantic and/or sexual interaction is generally characterized by dating, physical intimacy, and/or any sexual relations, including but not limited to the sending of sexual content by any means, including electronic mechanisms such as email or phones, whether casual or serious, short-term, or long-term.
 - c. **Impact on Agency Mission.** Romantic and/or sexual interactions within the scope of this policy, even if consensual, can result in a conflict of interest or give the appearance that decisions affecting the subordinate employee are based on the relationship rather than impartial decision-making and merit. These romantic and/or sexual interactions can affect the confidence of other subordinate employees, which can adversely impact employee job performance and the Department's mission. Additionally, these romantic and/or sexual interactions have the potential to raise Equal Employment Opportunity (EEO) concerns, including but not limited to allegations of sexual harassment and/or a hostile work environment.

d. **Responsibility to Disclose.**

- (1) Disclosure of romantic and/or sexual interactions within the scope of this policy creates a transparent environment that ensures the situation is managed and resolved professionally, with mutual respect for all individuals, while also maintaining the public's trust in avoiding potential conflicts of interest. Disclosure also reduces risk, as management can determine if measures can be taken to mitigate real or perceived conflicts, when appropriate.
- (2) Any management official who engages in or seeks to engage in a romantic and/or sexual interaction with an employee described within the scope of this policy must notify their supervisor before such engagement. Notification will allow the parties to assess the situation and take appropriate action.
- (3) Upon publication of this notice, management will notify all supervisors within the organization of the requirement to report any current romantic and/or sexual interactions within 14 business days after notification.

e. **Action Upon Disclosure.** When a disclosure is made, the supervisor of the management official, or other official in the management official's chain of supervision, in consultation with their servicing human resources office and Office of General Counsel must:

- (1) Receive and analyze disclosures of romantic and/or sexual interactions within the scope of this policy that occur in their work units within 7 business days.
- (2) Prepare a written analysis of the issue, including identifying the administrative action taken, if any, or the rationale for taking or not taking administrative action, generally within 10 to 15 business days;
- (3) Analyze and address the issue as appropriate, and, if necessary, take administrative action to mitigate disruption in the workplace, and any actual or perceived conflict, favoritism, bias, and/or ethics concerns. Administrative actions may include, but are not limited to, severing the supervisor-subordinate relationship through a change in reporting structure, a voluntary or directed reassignment, or change in work shift;
- (4) Determine whether the romantic and/or sexual interaction violated any VA policies, including VA's EEO and harassment policies. If necessary, appropriate administrative action, including but not limited to a directed reassignment, demotion, suspension, or removal, may be imposed; and
- (5) When applicable, consult the Office of Accountability and Whistleblower Protection in accordance with [VA Directive 0500 Investigation of](#)

[Whistleblower Disclosures and Allegations Involving Senior Leaders or Whistleblower Retaliation](#)

- f. **Disciplinary/Adverse Action.** Violations of this notice may result in appropriate action up to, and including, removal from Federal service, being taken against the supervisor.
- g. **Workplace Harassment or Discrimination.**
 - (1) If employees believe they are being subjected to harassment or discrimination, employees should refer to the [Equal Employment Opportunity; Inclusion, Diversity, Equity and Access; No FEAR; and Whistleblower Rights and Protection Policy Statement](#), distributed on August 1, 2023, or current equivalent policy statement.
 - (2) Workplace harassment will not be tolerated. In accordance with VA policy, VA will take action to correct the behavior promptly when the Department becomes aware of it to avoid it becoming severe and pervasive.
 - (a) Allegations of harassment should be reported to the Harassment Prevention Program (HPP) and complaints of discrimination filed with the Office of Resolution Management, Diversity, and Inclusion (ORMDI). [VA Handbook 5979, Harassment Prevention Program \(HPP\) Procedures](#) contains additional information on the HPP procedures.
 - (b) ORMDI staff can file a discrimination complaint by contacting the United States Postal Services EEO Services at FederalAgencyEEOContact@usps.gov. For information about the procedures for reporting harassment, ORMDI staff should refer to the [Available Avenues of Redress for VA Employees Regarding Employment](#).

4. RESPONSIBILITIES.

- a. **Assistant Secretary for Human Resources and Administration/Operations Security, and Preparedness** must:
 - (1) Ensure that VA employees are aware of this policy and encourage employees to report romantic and/or sexual interactions within the scope of this policy; and
 - (2) Ensure employees are free to report harassment and free from retaliation for reporting romantic and/or sexual interactions within the scope of this policy.

- b. **Human Resources Officers** must ensure human resources specialists provide guidance to supervisors receiving a disclosure within the scope of this policy, including assisting to take appropriate administrative action, if necessary.
 - c. **The Office of General Counsel** must provide substantive legal advice on any legal and ethics questions, including when a disclosure within the scope of this policy is reported to a VA official.
 - d. **Supervisors** who receive a report of disclosure must:
 - (1) Receive and analyze disclosures of romantic and/or sexual interactions within the scope of this policy that occur in their work units within 3 or 7 business days;
 - (2) Prepare a written analysis of the issue, including identifying the administrative action taken, if any, or the rationale for taking or not taking administrative action, generally within 10 to 15 business days; and
 - (3) Ensure appropriate administrative action, including discipline if appropriate, is taken on a timely basis to mitigate and address the effects of such romantic or sexual interactions in the VA workplace.
- 5. RESPONSIBLE OFFICE.** Office of Human Resources and Administration/ Operations, Security, and Preparedness (006).
- 6. RELATED HANDBOOK.** [VA Handbook 5025, Legal](#), dated March 25, 2022.
- 7. RESCISSION.** This notice will be rescinded, and guidance incorporated in the appropriate handbook no later than one year after the date of publication.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Guy T. Kiyokawa
Assistant Secretary for
Enterprise Integration

/s/
Cassandra M. Law
Assistant Secretary for
Human Resources and Administration/
Operations, Security, and Preparedness

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