



DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
Washington, D.C. 20420

January 5, 2023

VBA Letter 20-22-11

Director (00)

All VBA Services, Staff Offices, Regional Offices, and Centers

Subj: Prevention and Elimination of Harassment/Assault in the
Workplace

1. PURPOSE

This letter provides guidance that enables Veterans Benefits Administration (VBA) to achieve the goal of full implementation of the Department of Veterans Affairs (VA) policies and objectives to eliminate, prevent and hold accountable those who engage in assault or harassment in the workplace. This letter also rescinds VBA letter 20-21-11, Prevention and Elimination of Harassment in the Workplace dated June 15, 2021.

2. BACKGROUND

This letter includes definitions of key terminology; examples of prohibited conduct; detailed description of the mechanisms for non-departmental individuals to identify to whom and how to report assault or harassing incidents; notice of correction that the use of VA Sexual Harassment Report form (VA 10221a) is restricted to VA/VBA managers/supervisors; enhanced statement prohibiting retaliation and additional resources.

3. GUIDANCE

VBA's is issuing its annual guidance to maintain a work environment that is free from all types of harassment and assault. The objective of this guidance is to ensure employees, Veterans, beneficiaries, and non-employees (volunteers, contractors, and visitors) experience a safe environment when conducting business with or for VBA. Each report of

Page 2.

VBA Letter 20-22-11

Director (00)

inappropriate, offensive, or harassing conduct will be individually evaluated and addressed.

The Equal Employment Opportunity Commission (EEOC) has determined that unaddressed, inappropriate, or offensive conduct has the potential to develop into significant allegations of unlawful discrimination. VBA's harassment guidance is designed to ensure that all feasible steps will be taken to prevent and eliminate harassment from occurring by proactively addressing such conduct before it becomes severe or pervasive. The conduct covered by this guidance could be broader than the legal definition of "unlawful harassment," which is based on one's protected category, such as race or religion, as discussed in Appendix A. Every VBA employee can contribute to making VBA a model Equal Employment Opportunity (EEO) employer by ensuring that assault, harassment (sexual or non-sexual), and retaliation are simply not tolerated.

4. ORGANIZATIONAL COMMITMENT

VBA is committed to conducting a thorough and prompt review of allegations of assault, harassment, and/or bullying in the workplace and takes appropriate action when necessary. The Harassment Prevention Process is a 30-business day process designed to address allegations of harassment in all forms. VBA employees are responsible for reporting any form of assault, harassment and bullying that they witness in the workplace and to timely complete all required training related to this important topic. All allegations of *assault* in the workplace must be reported to VA Police and Office of Resolution Management Diversity and Inclusion (ORMDI) VBA EEO Liaison Office Harassment Prevention Program Office.

5. CONTACT INFORMATION

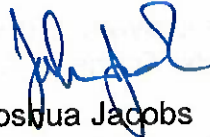
Complaints of harassment or assault and questions regarding this guidance should be directed to the ORMDI's VBA EEO Liaison Office at ORMVBAEEOliaison@va.gov and to VBA's National Harassment Prevention Coordinator, Sterling Edward at [Sterling.Edward@va.gov](mailto:sterling.edward@va.gov).

Page 3.

VBA Letter 20-22-11

Director (00)

Additional videos and related information can be obtained on the Department's websites at: <https://vaww.va.gov/orm/>.



Joshua Jacobs
Senior Advisor for Policy,
Performing the Delegable Duties of the
Under Secretary for Benefits

APPENDIX A:

DEFINITIONS

Bystander: A person who is present as a witness but not a direct participant in a workplace or work-related situation that has or could trigger a harassment complaint or who is subsequently informed of the incident. (See Appendix F)

Departmental Individuals: VA employees, Veteran Service Organization personnel, VA Volunteers, VA Union officials, Trainees, and VA Contractors with Personal Identity Verification (PIV) cards.

Hostile Work Environment: A work environment created when an employee feels uncomfortable or scared to be in their workspace due to offensive conduct, intimidation or abuse by a coworker, superior, contractor, Veteran or others. The conduct is severe or pervasive enough to create a work environment that a reasonable person in the same or similar circumstances would consider intimidating, hostile, or abusive.

Non-Departmental Individual: Veterans, and other personnel who do not possess a PIV card such as a visitor, caregiver, family member of a Veteran etc.

Senior Leader: VA Directive 0500 defines a Senior Leader as: An individual who is: (1) A Senior Executive; (2) Employed in a confidential, policy-making, policy-determining, or policy-advocating position (e.g., political appointees and those appointed under Schedule C (5 CFR part 213, subpart C)); or (3) Employed in a position the Secretary of Veterans Affairs considers similar to those identified in (h)(1) and (2) for purposes of this directive. These are: (a) Senior-level (SL) positions described in 5 CFR § 319.102; (b) Scientific and Professional (ST) positions described in 5 CFR § 319.103; (c) Veterans law judges (including chief Veteran law judges); (d) Veterans Health Administration and VBA directors, associate and assistant directors at General Schedule grade 14 or above; (e) National Cemetery Administration cemetery directors and district chiefs of operation at General Schedule grade 14 or above; and (f) other Senior Executive Service (SES) appointees (e.g., noncareer SES appointees and limited term SES appointees).

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, displays of derogatory posters, cartoons and/or drawings, and any other physical or verbal conduct of a sexual nature engaged in by supervisors, employees, or others (i.e., contractors, Veterans or visitors) in the workplace. Sexual harassment is a flagrant form of illegal discrimination that can result in a hostile work environment for the victim and other employees who witness the conduct.

APPENDIX A DEFINITIONS

It undermines the integrity of the organization and interferes with the work we do to provide quality services to Veterans and other beneficiaries.

Third Party Reporter: Any individual who is not the direct target of harassment or assault but who either witnessed the harassment or assault (or upon learning of such allegations) reports that incident to management.

Unacceptable Behavior/Bullying Conduct includes, but is not limited to:

- Offensive jokes or insults, photos, videos, etc.
- Rude or disrespectful flirting or gestures
- Obscene or lewd comments, epithets
- Slurs (to include racial or gender-identity based language)
- Threats of harm, physical, emotional or otherwise
- Offensive objects or pictures
- Assault or other forms of intimidation
- Epithets
- Ridicule and/or mocking
- Rumors and/or gossip
- Intentional misgendering
- Crude gestures
- Sexist remarks
- Stalking
- Sexual touching/advances and groping
- Any other objectively offensive conduct.

Unlawful Harassment: Any unwelcome hostile, abusive, verbal or physical conduct based on race, religion, color, sex (including pregnancy, gender identity¹ and sexual orientation), national origin, age (40 years or older), genetic information, disability or retaliation for opposing discriminatory practices or participating in the discrimination complaint process. Unlawful harassment occurs if an employee's acceptance or rejection of the conduct listed above explicitly or implicitly forms the basis for taking or failing to take any employment action that negatively affects the employee, or if such conduct is deemed sufficiently severe or pervasive so as to alter the terms, conditions or privileges of one's employment, or otherwise creates an abusive work environment.

Workplace: Any environment in which a VBA employee performs work (in person, by telephone, via email or other written communication) and elsewhere.²

¹ The term gender identity includes transgender-related terminology.

² For additional information refer to Workplace Violence section of Annual VA Secretary No Fear letter and the VBA Equal Employment Opportunity Policy Statement.

Page 1 of 5
APPENDIX B
ROLES AND RESPONSIBILITIES

1. Under Secretary for Benefits: Ensure that there is an effective process for responding to reports of workplace harassment/assault in compliance with the Deborah Sampson Act, (DSA) Section 5303, and other relevant laws.

2. District, Regional, and Program Directors:

- Provide timely support of ORMDI's Harassment Prevention Program (HPP) upon request of the ORMDI VBA EEO Liaison Office.
- Ensure the appointed Harassment Prevention Coordinator (HPC) coordinates with ORMDI VBA EEO Liaison Office on all reports of harassment received within their jurisdiction (to include departmental and non-departmental individuals).
- Ensures all VBA facilities and program offices timely report harassment/assault to ORMDI VBA EEO Liaison Office in accordance with VA Directive 5979. Managers must notify the ORMDI HPP office within two business days of receipt of harassment complaints. Sexual harassment complaints must be reported via [VA Form 10221a \(Sexual Harassment Intake Form\)](#) and submitted via the Sexual Harassment Intake Portal embedded on that form. The ORMDI HPP Office must be copied on all such reports. This includes reporting the matter to the Office of Accountability and Whistleblower Protection (OAWP) upon receipt of a notification that a HPP case has been filed involving senior leaders, as defined in VA Directive 0500, OAWP: Investigation of Whistleblower Disclosures and Allegations Involving Senior Leaders of Whistleblower Retaliation, management.
- In compliance with the DSA, each facility/program office must complete and submit to ORMDI HPP Office the Remediation Plan (Appendix F) whenever five (5) or more substantiated claims of sexual harassment and/or assault or a combination thereof occur within one single fiscal year.

Note: Management may implement a remediation plan at any time but must do so whenever the number of substantiated claims as described above is reached.

- Appoint two or more individuals, to serve as neutral Fact Finders for HPP purposes. The Fact Finders should have completed appropriate training
-

APPENDIX B

ROLES AND RESPONSIBILITIES

and remain available to conduct fact-findings per VA Handbook 5979.

- Submit a copy of the completed fact-finding report with supporting documentation and/or outcome of the official Inquiry (e.g., Administrative Investigation Board) to ORMDI VBA EEO Liaison Office within 30 days of receipt of the report of harassment/assault unless exception is granted in writing.

3. ORMDI VBA National HPP Manager:

- Serve as national point of contact (POC) for reports of harassment and/or assault allegedly committed by VBA personnel or occurring at a VBA facility or program office. This includes reports of harassment or assault of all types whether or not they involve Departmental Personnel.
- Assign reports of harassment to the appropriate HPC for processing.
- Work with designated HPC to ensure appropriate, timely management action is taken to address allegations of harassment/assault or bullying as defined in Appendix A.
- Input, update, and review information and records in the ORMDI HPP Tracking System.
- Provide ORMDI HPP Office with reports on harassment prevention activities on a quarterly basis.
- Formulate responses to Congressional Inquiries, external organizations and other key partners/officials.
- Serve on Agency-wide committees to review proposals and actions involving a variety of substantive and administrative work-processes related to accountability and transparency.

4. ORMDI VBA District HPP Lead Coordinators

- Receive and assess reports of harassment, etc., educate customers who contact HPP and provide appropriate referrals.
- Document reports of harassment in the HPP Tracking Database.

APPENDIX B

ROLES AND RESPONSIBILITIES

- Notify Facility or Program Directors upon receipt of reports of harassment and again whenever they fail to respond to allegations within 30 days.
- Timely monitor and track case assignments and follow up with allegeders to ensure their allegations are handled in accordance with HPP directives and procedures.
- Coordinate with management and other HPCs within their jurisdiction, to ensure that all allegations of harassment are addressed in accordance with EEOC regulations and VA directives/procedures.
- Provide relevant training to VBA managers, supervisors, employees, external organizations and other key partners/officials.
- Work closely with management to monitor compliance on corrective actions to be taken.
- Assist with rolling out training initiatives for VBA employees and constituents.

5. VBA Local HPC:

- Serve as a POC between ORMDI VBA National and District HPP Leads and serve as coordinator with local management officials addressing allegations of harassment, etc.
- Coordinate with ORMDI VBA National and/or District HPP Leads to ensure management is aware of and timely addresses all allegations of harassment and guides them through the process.
- Review, update, and input (if authorized access) all required information and records related to reports of harassment to HPP Tracking system for review by ORMDI VBA National and/or District HPP Lead.
- Communicate with all key parties involved (i.e., allegeder, accused, and management) when a report of harassment is received and explain to each party the next steps in the process.
- Coordinate with the ORMDI HPP office on providing HPP awareness training to the workforce.

APPENDIX B

ROLES AND RESPONSIBILITIES

- Serve as a POC for departmental and non-departmental employees to report allegations of harassment and, upon receipt of a report of harassment, notify management and educate staff on the HPP process and make appropriate referrals as needed.

Note: A “Designated POC” course is available in the VA Talent Management System at VA 45698 for reference and this, or a similar course selected by management in consultation with the VBA HPP Lead, must be completed annually by all HPCs servicing VBA.

6. VBA Managers and Supervisors

- Work to prevent harassment and assault in the workplace and ensure that a Remediation Plan is initiated whenever a facility/program office has five (5) or more substantiated claims of sexual harassment and/or assault or a combination thereof.
- Ensure that all subordinates are aware of this letter and its specific duties and reporting requirements.
- Ensure sexual assault allegations are immediately reported to VA police, local law enforcement for criminal investigation and ORMDI EEO Liaisons to and/or ideally within four hours.
- Ensure that all employees receive EEO/harassment prevention training during new employee orientation and every two years thereafter or as required by the VA Secretary.
- Immediately begin a fact-finding or inquiry (within 2 days for sexual harassment claims and within 5 days for non-sexual harassment claims) after receipt of report of inappropriate and/or harassing behavior.

Note: If the conduct involves an allegation of sexual harassment, report the matter within one business day from receipt of the complaint using [VA Form 10221a \(Sexual Harassment Intake Form\)](#). This form can be found on VA Intranet Forms.

- Ensure allegations of inappropriate and harassing behavior are kept confidential, to the fullest extent possible. Work with the Office of General Counsel to ensure VBA’s actions are as transparent as possible under current legal guidelines.

APPENDIX B

ROLES AND RESPONSIBILITIES

- Assist VBA Directors with submissions of completed fact-findings and/or outcome of local inquiries to ORMDI's VBA EEO Liaison Office within 30 days of the receipt of the report of harassment.
- Take prompt and appropriate corrective and/or disciplinary action against personnel who have engaged in harassing conduct or who have not carried out their responsibilities under this guidance.
- Notify the local HPC of all reports of harassment (sexual and workplace) complaints. Submit documentation outlining efforts to address issues and the outcome.
- Follow up with any employee who reports harassing behavior.

7. All VBA Employees, Veterans, Customers and Visitors (Departmental and Non-Departmental Individuals):

- Departmental and Non-Departmental Individuals shall act professionally and refrain from assault, inappropriate, harassing or bullying conduct or comments toward others on VA-controlled property, (hospitals, regional offices, cemeteries, Vet Centers, etc.) or during interactions with VA personnel. This includes in-person, online, during training classes, and virtual interactions such as texts, phone calls, emails or similar means.
- Departmental and Non-Departmental Individuals who believe they have been subjected to harassing or inappropriate behavior, should directly inform the alleged harasser that their behavior is unwelcome except when to do so would make you feel unsafe or uncomfortable. In that case, immediately inform any VA supervisor, the VBA local or national HPC, federal protective service, local security personnel, VA police or local police. You may also report the situation to by calling **1-800-MyVA411** (1-800-698-2411) or the White House Hotline directly at **1-855-948-2311**.
- Departmental Individuals subjected to, or a bystander of, unwelcome, hostile, or abusive conduct should immediately report harassing behavior to your immediate supervisor or next level supervisor if the immediate supervisor is the alleged harasser, or to any VA management official, local or national HPC, or ORMDI's HPP Team: **1-888-566-3982 (option 3)**.

APPENDIX C

HARASSMENT COMPLAINT REPORTING AND PROCESSING

- Departmental Individuals shall become familiar and comply with all provisions of this letter including the tips found in the definition of an engaged bystander and report incidents of harassment promptly. In cases where direct intervention may result in harm to yourself or others, contact VA police, Local Law Enforcement, Federal Protective Service, Facility Director, Facility or National HPC, local Disruptive Behavior Committee (if available) or any similar entity.

Note: All Employees, Veterans, customers, or visitors who observe or are made aware of possible harassment in the workplace have an obligation to immediately report the incident. There is no “correct” way to report. This may be done by contacting a VA or VBA staff member, supervisor, manager, a local HPC, etc.

Any reported information will be kept confidential, to the extent required to address the matter and limited in disclosure to only those individuals who have a need to know.

Whenever a supervisor or manager is notified of alleged harassment, they must take prompt and immediate action within 24 to 48 hours of when the incident occurred. Refer to the previous instructions for sexual harassment cases.

As a reminder, Departmental individuals can choose to initiate an HPP case by contacting the ORMDI HPP Team by calling (888) 566-3982, option 3, or by contacting the local HPC.

Non-departmental individuals should NOT be advised to use the above-referenced hotline. Instead, they may contact:

- 911 Emergency
- 1-800-698-2411 (1-800-MYVA-411) option 0
- 1-855-948-2311, (White House Hotline)
- Local VA Police or Federal Protective Service Personnel, or
- 1-800-488-8244 (VA Office of Inspector General)
- Send an email to ORMDIVBAVetHPPCmplnt@va.gov

Departmental individuals who wish to file an EEO complaint to address allegations of discriminatory conduct and or a “hostile work environment” must contact an EEO counselor on the ORMDI Hotline within 45 calendar days of the date of the alleged incident to file an EEO complaint. That number is (888) 566-3982, option 2. Contacting the HPP office does NOT toll the time for making such contact and

APPENDIX C

HARASSMENT COMPLAINT REPORTING AND PROCESSING

does not constitute making initial contact with an EEO Counselor. The HPP and EEOC Complaint process are separate processes.

Veterans who believe they have experienced discrimination in connection with the receipt of medical care or with respect to applications for VBA or other VA benefits, may contact Sterling.Akins@va.gov for assistance.

All complaints of alleged harassment or assault, whether written or oral, should include the specific nature of the incident(s), date(s) and place(s) of the incident(s), to include the names of all parties involved.

For sexual harassment complaints, only VA Supervisors/Managers may complete and submit [VA Form 10221a \(Sexual Harassment Intake Form\)](#).

For non-sexual (workplace harassment) departmental individuals (employees, etc.) anyone may use [VA Form 10221 \(Harassment Complaint Intake Report\)](#) to document and report the complaint.

Employee-on-Employee (Departmental Individuals Only) Harassment Complaints

All harassment complaints that exclusively involve departmental individuals must be reported. As noted above, there are multiple options for making such reports include: Calling ORMDI's toll-free number 888-566-3982 (Option 3), speaking to a manager or supervisor or the Facility HPC or directly submitting [VA Form 10221](#) to ORMVBAEEOLIAISON@va.gov.

When an employee (Departmental individual) or manager completes [VA Form 10221](#) on their behalf, the employee, supervisor, manager or local HPC will forward the form to their respective ORMDI VBA HPP District Lead.

The District Lead will ensure that the data is input into the HPP tracking system. Thereafter, ORMDI VBA EEO Liaison Office representatives will coordinate the following actions:

Step 1. The ORMDI VBA District HPP Lead or their delegate will contact the allegor via telephone or email to verify the accuracy of the allegations.

Step 2. The ORMDI VBA District HPP Lead will contact the employee's supervisor via telephone, Microsoft Teams, email, etc., to inform them of the claim, issues and basis.

APPENDIX C

HARASSMENT COMPLAINT REPORTING AND PROCESSING

Note: If the supervisor is the alleged harasser, contact will be made with the next level supervisor or management official and so on. If the allegation is against a senior manager as defined in Appendix A above, the complaint will also be referred to the OAWP for processing. However, management must still ensure the harassing conduct, if still taking place, ceases.

Step 3. The ORMDI VBA District HPP Lead will facilitate contact with the local facility/staff HPC via telephone, Microsoft Teams voice call and/or email with the following information and guidance:

- a. Notification Letter to the Facility or Program Office Director that a report of harassment was received.
- b. Upon review of the allegations and totality of the circumstances, provide instructions which typically include advising management of the need to conduct a fact-finding or similar inquiry as deemed appropriate under the circumstances.
- c. Remind management officials that if the case of an allegation of sexual harassment, the relevant supervisor should undertake immediate measures to ensure further harassment does not occur, even if the fact-finding inquiry has not started or is pending completion.
- d. Provide guidance on preparing stay-away letters and consulting with Human Resources (HR) to make schedule changes to avoid any additional contact between the parties. (Refer to VA Handbook 5979 for additional guidance).
- e. Supply templates and guidance to assist management in the process, such as interview tips, sample fact finding reports, etc.
- f. Remind management of its responsibility to obtain and maintain neutral fact-finders and, if circumstances surrounding the allegation make it inappropriate to use a local fact-finder, assist in locating appropriate fact-finders.

All Other Harassment Complaints

All harassment complaints received from either departmental individuals or non-departmental individuals must be reported to the ORMDI VBA EEO Liaison Office. If the individual making the report does not use the ORMDI HPP toll-free number to report allegations of harassment, [VA Form 10221](#) must be utilized at local facilities and staff offices to ensure accurate recording of the complaint.

If an employee reports a harassing incident involving a non-departmental individual to their immediate supervisor the same process as used for employee on employee harassment complaints will be used.

APPENDIX C

HARASSMENT COMPLAINT REPORTING AND PROCESSING

Similarly, if a non-departmental individual (e.g., Veteran, customer, or visitor) reports harassment by a VBA employee/departmental individual to an agency employee, the same process applies.

When the matter being reported involves only non-departmental individuals, the reporter should contact the Facility or Program Office Director and/or report it to local or national HPC or the Federal Protective Service, if available, or the local police. These types of cases are not uploaded in the HPP Tracking system but are tracked by the ORMDI VBA EEO Liaison Office.

Note: If all parties involved in the allegations are non-departmental individuals, the person receiving the report should work with Facility/Division Director and the VBA National HPC to ensure that appropriate measures are taken to ensure safety of VBA personnel as well as non-departmental individuals.

Based on the allegations, the facility director must decide to initiate a fact-finding or other inquiry regarding the alleged complaint(s) or take immediate corrective action within the scope of their authority. They should consider corrective actions for employees or contractors who witness and fail to report incidents of harassment or sexual harassment committed by or against a non-departmental individual.

Fact-finding inquiries should be prompt, thorough and completed within 30 days unless a written extension is approved by ORMDI personnel and the management official authorizing the fact-finding.

When criminal allegations occur or have been substantiated, management must forward the complaint to local law enforcement that has jurisdiction over their facility.

Facility directors must track harassment complaints that manifest into criminal cases and report case verdicts to EEO Liaisons to VBA at ORMVBAEEOliaison@va.gov.

Within 30 days of the complaint being submitted to the facility director for action, complete and forward a copy of the fact-finding inquiry with supporting documentation to the ORMDI VBA EEO Liaison Office at ORMVBAEEOliaison@va.gov.

Within 30 days of the complaint being submitted to the facility director for action, ensure that the alleged receives a follow-up memorandum in response explaining actions that occurred and whether the allegation was substantiated or not.

Management must forward a copy of that memorandum and proof of delivery, to the alleged to the ORMDI VBA EEO Liaison Office at ORMVBAEEOliaison@va.gov.

APPENDIX C

HARASSMENT COMPLAINT REPORTING AND PROCESSING

Fact Finding

Directors will appoint two or more individuals to serve their facility as neutral factfinders for addressing harassment allegations. Management may appoint one or more factfinders per allegations at its discretion, provided each is neutral and unbiased.

The fact finders must have completed required training (as described in VA Handbook 5979) prior to initiating fact-findings and remain available to conduct fact-findings. Fact-findings are typically conducted by a supervisor, appropriate management official or their designee. The Director must ensure that the individual(s) assigned to conduct the fact-finding is a neutral party to avoid any actual or appearance of a conflict of interest.

Outcome

An appropriate management official, usually the supervisor of the alleged harasser, will determine, in consultation with subject matter experts (i.e., HR, General Counsel, EEO Specialists), any necessary and appropriate corrective action. Whether the allegations are substantiated or unsubstantiated based on the results of the fact-finding inquiry or investigation, the District/Regional/Program Office Director must notify the individual, who reported harassment of the completion and general outcome of the investigative process (i.e., whether the allegation in was substantiated or not substantiated).

Note: If one or more allegation is substantiated, even if other allegations were not substantiated, the claim is reported as substantiated for tracking purposes.

The District/Regional/Program Office Director must ensure that the ORMDI VBA EEO Liaison Office team is provided a copy of a follow-up memorandum that was sent to the individual who reported the harassment. This must include, an unredacted copy of the fact-finding report with supporting documentation.

Note: Facility leadership is not obligated to provide individuals who alleged harassment with an unredacted copy of the fact-finding investigation report. If an individual wants to obtain a copy of the fact-finding report, they must file a Freedom of Information Act (FOIA) or Privacy Act request as follows: the ORMDI Privacy/FOIA office will provide the initial Harassment complaint and the memorandum or correspondence referring the harassment complaint to VA leadership. All other documents, to include the fact-finding report/summary, interview questions, relevant evidence, summary of testimony, the outcome memorandum and any documents used to support the outcome memorandum will be provided by the Facility or Program Office Privacy/FOIA Officer.

APPENDIX C

HARASSMENT COMPLAINT REPORTING AND PROCESSING

Quality Review

The District/Regional/Program Office HPC shall follow up with the individual who reported harassment to ensure that management notified them about the outcome, that the situation was addressed and gather any concerns they express about the process.

The ORMDI VBA EEO Liaison Office will provide support to assist with this process and maintain concurrent administrative oversight and review case outcomes for appropriateness, timeliness, and trends along with the National ORMDI HPP Team.

Disciplinary Actions

Employees who engage in harassment could be subject to immediate disciplinary and/or other adverse actions. Supervisors or managers who either condone or fail to act promptly to correct inappropriate conduct brought to their attention could also be subject to disciplinary and/or other adverse actions. When such actions are initiated, VA Handbook 5021/15, Part II, Appendix A, Table of Penalties for Title 5 and Title 38 employees and due process in general should be followed.

APPENDIX D

VA HARASSMENT REPORTING FORMS and ADDITIONAL INFORMATION

Downloadable Sexual Harassment Intake Form and Harassment Complaint Intake Report can both be retrieved at [VA Forms](#) on the VA intranet.

VA Form 20-10205 Veterans Benefits Administration Harassment Complaint Intake Form” is no longer to be used.

Note: Only Supervisors or ORMDI staff may submit Form VA 10201a to report Sexual Harassment allegations.

INFORMATION ON ADDRESSING SEXUAL HARASSMENT IN VA FACILITIES

Q. What is Sexual harassment?

A person’s submission to or rejection of sexual advances is used as the basis for employment decisions about him or her, or submission to sexual advances is made a condition of his or her employment (quid pro quo harassment), or

Sexual conduct or gender-based hostility is sufficiently severe or pervasive that it creates an intimidating, hostile, or offensive work environment (hostile work environment harassment).

Q. Is it possible to be sexually harassed by someone who is not my supervisor?

Yes. The harasser does not have to be your supervisor for the harassment to be illegal. Employers have a responsibility to provide a workplace free from sexual harassment, whether the harasser is your supervisor, a supervisor in another department, a co-worker, a subordinate, or even a customer or client.

Q. Is Retaliation Prohibited?

Yes. While sometimes individuals who complain of sexual harassment experience retaliation from their employers or others, it is important to know that such retaliation is unlawful and will not be tolerated. If you experience what you believe to be reprisal or retaliation after reporting harassment or assault or participating in an investigation as a witness, for instance, you may file a separate complaint to address that retaliatory conduct. Managers will ensure that anyone engaging in retaliation will be subject to appropriate disciplinary action.

Page 2 of 2

APPENDIX D

VA HARASSMENT REPORTING FORMS and ADDITIONAL INFORMATION

Additional Tips and Resources for those experiencing harassment:

If harassment or inappropriate conduct is occurring, keep a journal of the incidents, to include dates, times, witnesses, and impact.

Call 988 or Text 838255 (Crisis Hotline).

Keep copies of your work records, including copies of your performance evaluations, and any memoranda or letters documenting the quality of your work.

Network with others and seek professional help as indicated.

Tell supportive friends, family members, and colleagues about the harassment.

Contact Employee Assistance Program Office.

Contact Women Veterans Call Center 1-855-VA Women (855-829-6636).

Contact National Sexual Assault Hotline 1- 800-656-HOPE (4673).

Visit Rape, Abuse and Incest National Network (RAINN.org).

Contact Anonymous Sexual Assault Safe Helpline 1-877-995-5247.

Visit SafeHelpline.org

Contact the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning+ (LGBTQ+) Veteran Care Coordinator at your nearest VA Facility [LGBTQ+ Veteran Care Coordinator \(LGBTQ+ VCC\) Locator - Patient Care Services \(va.gov\)](#).

Contact the nearest Military Sexual Trauma (MST) Coordinator [Find VA Locations | Veterans Affairs](#).

Chaplain Service.

Vet Centers (Readjustment Counseling).

APPENDIX E

VBA BYSTANDER INTERVENTION INFORMATION

“Harassment in the workplace will not stop on its own - it's on all of us to be part of the fight to stop workplace harassment. We cannot be complacent bystanders and expect our workplace cultures to change themselves.”³

A helpful on-line course on Bystander Intervention Training for Veterans and other stakeholders is available and should be shared with as many Veterans as possible. It may be accessed by clicking here:

<https://www.veterantraining.va.gov/bystandertraining/>

Note: On VBA's public webpage, further information about ORMDI's HPP is available in the RESOURCES section. Also on the left side of each page is a prominent logo with the “Stand up to Stop Harassment and Assault Now” message which links directly to the ORMDI Website noted below.

<https://www.va.gov/ORMDI/DiversityInclusion/Policies.asp>

Tips for Responding to Behaviors that Cause Concern and for Reducing Harassment in the Workplace

Your role in the organization, the specific context of the harassing behavior, and your relationship to those involved, will likely impact how you choose to respond to a harassment or other type of bullying situation. When deciding how to respond and report such events, keep in mind your options with the “Four D's”:

- (1) **Directly** confront the potential perpetrator(s) of harassment or sexual assault in a *direct* manner, and ask the person(s) to cease the behavior;
- (2) **Distract** the potential perpetrator of harassment/assault in an effort to divert attention and help defuse the situation or enable the potential victim(s) to remove themselves from the area;
- (3) **Delegate** the problem by reporting the event promptly to someone who has the authority to intervene such as: a VA manager, the HPC, Contract Security Officers and/or VA or Local Police Officials.
- (4) **Document.** Keep records of the event, send email to yourself, etc.

Modeling and Reinforcing Healthy Norms in the Workplace and Online

Our behaviors set norms. Consider integrating some manageable actions into your daily work routine to foster norms of civility and respect. These may include:

³ EEOC Select Task Force on the Study of Harassment in the Workplace Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic, June 2016.

APPENDIX E

VBA BYSTANDER INTERVENTION INFORMATION

- Speaking positively about harassment prevention efforts and becoming aware of relevant programs and news on the topics of inclusion, diversity and military sexual trauma.
- Completing instructor-led Bystander Intervention Training.
- Sharing articles or videos about workplace harassment and its negative impacts with constituents/stakeholders.
- Have an anti-harassment or similar poster, brochure, or inclusive symbol visible in your workspace to help promote a safe, respectful, and inclusive environment for all we serve.
- Adding a relevant quote or statement of support of a harassment-free workplace or your preferred pronouns to your email signature line.
- Thanking employees for helping to diffuse any potential harassment or discrimination in the workplace.
- Saying something positive to spread the message such as, at “VBA, we treat everyone respectfully!”

APPENDIX F:

Sample Remediation Plan Form (For Management Use Only)

**Veterans Benefits Administration (VBA)
Harassment Prevention Remediation Plan**

VBA FACILITY or VBAVACO PROGRAM OFFICE: Date:

VBA FACILITIES AND/OR VBAVACO PROGRAM OFFICES WITH FIVE (5) OR MORE SUBSTANTIATED EVENTS/INCIDENTS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT OR A COMBINATION THEREOF ARE REQUIRED TO COMPLETE AN APPROVED REMEDIATION PLAN.

SEXUAL HARASSMENT INCIDENTS	SEXUAL ASSAULT INCIDENTS
ENTER # HERE	ENTER # HERE

Brief Summary of Incidents

1. _____
2. _____
3. _____
4. _____
5. _____

Action Plan

Directions: List all current and prior actions taken (as applicable) to address the incidents above (e.g., Police investigation completed (date), disciplinary action(s) taken (date), etc.)

1. Description of Action				
Date Initiated	Measure	Action POC (Name)	Reassessment Date	Status of Action
2. Description of Action				
Date Initiated	Measure	Action Owner (ELT)	Reassessment Date	Status of Action
3. Description of Action				
Date Initiated	Measure	Action POC (Name)	Reassessment Date	Status of Action

APPENDIX F:

Remediation Plan Form (For Management Use Only)

Plan Approval:

Facility/VBAVACO Director:

Date:

Agency Level Review

District Director/VBAVACO Second Level Director (or designee):Date:

Chief, ORMDI Harassment Prevention Program Office:

Date:

RESOURCES AND RECOMMENDATIONS

Training and Recommendation (considerations)

- Bystander intervention training/provider training
- Root Cause Analysis Conducted (attached RCA template completed)
- Prevention of Sexual Harassment Training
- Victim / Experiencer Recovery and Harassment process standardization (job aid tools)
- Review / Maintenance of Physical Security Systems, including panic alarms.
- Conduct criminal investigation whenever criminal violation appears to have occurred on VBA-controlled property (to include college campuses) and track through VA Report Exec. database.
- Engage Union collaboration / partnership to revise reporting processes and distribute education on reporting
- Workplace Harassment Prevention Training for Managers
- Other (as determined by the facility)

Sample Resources

Name	Description
Prevention of Sexual Harassment Training	TMS (VA 35637): Prevention of Sexual Harassment in the Workplace
Bystander Intervention & Training	Pre-training and Bystander intervention (Anti-harassment training)
Office of Resolution Management, Diversity, & Inclusion: Harassment Prevention Program (HPP) Support	Training, tracking, monitoring, and reporting of allegations of harassment. Resources for employees, managers, union officials, and more.
Workplace Harassment Prevention for Managers	Training on characteristic forms of harassment and what supervisors / managers can do to discourage harassing behavior of any type.

APPENDIX F

Remediation Plan Form (For Management Use Only)

Frequently Asked Questions (FAQs)

What is the trigger threshold requiring a facility remediation plan?

Answer: Five (5) substantiated events (harassment, sexual harassment, sexual assault, or a combination thereof) during the fiscal year.

Are new remediation plans required for every trigger threshold or can plans be modified?

Answer: Existing plans can be modified.

Are a minimum number of remediation actions required?

Answer: Yes, at least two (2) actions are required (maximums are determined by the facility director and/or district office).

What is the process and criteria for closing a remediation action?

Answer: Concurrence of both the facility/VBAVACO Director and District Director/or Second Level Manager (or designee) required for closure of a remediation action. Copy of the completed remediation plan must be forwarded to the ORMDI HPP Office within five (5) business days of closing.

Do we need to list new actions if steps were already completed (e.g., VA Police investigation)?

Answer: Ensure actions already taken are documented and dated on the plan. Status can be "closed" as appropriate. Recommend additional actions taken, as appropriate. Address changes in approach if trends are noted and/or remediation efforts fail to accomplish desired results.

How do I document modifications to the plan (e.g., due to continued occurrences of alleged sexual harassment or assault)?

Answer: The description of action section allows sites to update status of actions. For new actions, add further lines to the tracker (including dates, measures, responsible owners, reassessment dates, and status of action).

Root Cause Analysis Report

Program / Area within Facility	
Date of Event:	Date:
Alleged Victim/Experiencer(s) of Assault and/or Harassment Demographics	Age
	Gender
	Race
	Date:
Date RCA Completed	

APPENDIX F

Remediation Plan Form (For Management Use Only)

Event Details

Describe the event and include any harm that resulted. Also, identify the cause (if known)

Team Leader:

RCA Team Members

Member 2:

Member 3:

Member 4:

Member 5:

Background Summary

Answer the below questions with a summary – attach supporting documents (if available)

What measures were in place to minimize or mitigate the risk of occurrence?

Were all appropriate staff and supervisory trainings completed by those involved in the occurrence?

YES

NO

If no, explain the training requirement, oversight, and reason for deviation from expectation.

Were all appropriate security measures in place and active in the area where the event occurred?

YES

NO

If no, explain the reason and the contribution this may have had to the event.

Are the expected preventive measures, against this event occurring, clearly described in policy, procedures, written guidelines, employment expectations, and / or included in staff training?

YES

NO

If yes, explain the source(s)