

UNCLASSIFIED

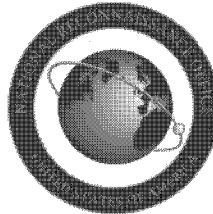
**National Reconnaissance Office**

Business Function 80, Oversight

Directive 80-3, Equal Employment Opportunity and  
Diversity Management

**Instruction 80-3-6, Anti-Harassment Program and  
Civilian Harassment Complaint Process**

---



01 AUGUST 2017

---

UNCLASSIFIED

UNCLASSIFIED

TABLE OF CONTENTS

NI 80-3-6 CHANGE LOG ..... 3

SECTION I - INTRODUCTION ..... 4

SECTION II - OVERSIGHT ANTI-HARASSMENT PROGRAM AND CIVILIAN HARASSMENT  
COMPLAINT PROCESS DOCUMENTATION..... 4

Governing NBF..... 4

Description..... 4

Instruction Point of Contact (POC)..... 5

Support Systems..... 5

Process Narrative..... 6

Process Flow Diagram..... 11

Table 1: Risk & Internal Control Table..... 12

SECTION III - CONFIGURATION CONTROL ..... 12

APPROVING SIGNATURE ..... 12

APPENDIX A - PROCESS FLOW DIAGRAM LEGEND ..... 13

APPENDIX B - GLOSSARY AND ACRONYM LIST ..... 14

APPENDIX C - REFERENCES/AUTHORITIES ..... 16

UNCLASSIFIED

UNCLASSIFIED

NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
 FY 2017

NI 80-3-6 CHANGE LOG

Revision	Date	Revised By	Pages Affected	Remarks
0	01 Aug 17	OEE&DM	All	Initial Release
1	11 Aug 17	OEE&DM	7, 8, 10 & 14	Admin update to replace the word "harassment" with "fact-finding"

UNCLASSIFIED

UNCLASSIFIED

**NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017**

---

**SECTION I - INTRODUCTION**

In accordance with the National Reconnaissance Office (NRO) Governance Plan, NRO Business Function (NBF) 80, *Oversight* and NRO Directive (ND) 80-3, *Office of Equal Employment Opportunity and Diversity Management Framework*, this NRO Instruction (NI) sets forth the procedural implementation guidance and provides applicable information to perform the *Anti-Harassment Program and Civilian Harassment Complaint Process*. All NRO personnel shall comply with this NI. NRO military members (Active, Guard, and Reserve) shall address allegations of harassment through their military chain of command and/or the NRO Chief of Military Equal Opportunity (MEO) in accordance with *Reference*. When the work to be performed under an NRO contract must comply with this Instruction, the Program Office shall list this Instruction as a reference document in the contract Statement of Work (SOW).

**SECTION II - OVERSIGHT ANTI-HARASSMENT PROGRAM AND CIVILIAN HARASSMENT COMPLAINT PROCESS DOCUMENTATION**

The sub-sections that follow detail the Anti-Harassment Program and Civilian Harassment Complaint Process.

**Governing NBF**

NBF 80, *Oversight*, 4 April 2014

**Description**

If an NRO manager, or supervisor, receives an allegation of harassment or has reason to believe a form of harassment is occurring, the NRO manager or supervisor shall take immediate and effective corrective measures to end the unwelcome behavior. The NRO is committed to taking action if it learns of possible harassment, even if the individual does not wish to enter the complaint process.

The NRO is subject to the jurisdiction of the Equal Employment Opportunity Commission (EEOC) and has an obligation to ensure members of its workforce are not subjected to harassment on any of the Federally-protected bases such as race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability, genetic information, retaliation for prior EEO activity, and status as a parent.

In addition, these protections are extended beyond the Federally protected bases to include harassment that falls under the NRO's Anti-Harassment Policy. Under the NRO's Anti-Harassment Policy, workplace harassment is any form of behavior or conduct that is objectively offensive and alters the employee's terms and conditions of employment, either by culminating in a tangible employment action or behavior that unreasonably interferes with an employee's work performance by creating an intimidating, abusive, offensive, and hostile work environment. Examples may include, but are not limited

UNCLASSIFIED

UNCLASSIFIED

**NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017**

---

to, displaying sexually or racially demeaning pictures; making offensive jokes or remarks targeting disabled, older, or gay employees; expressions of stereotyping; offensive gestures; threats and intimidation; unwelcome sexual advances or touching; isolating transgender individuals; a supervisor's coercion into an unwelcome sexual relationship, or taking disciplinary action or denying a promotion because the employee rejected the supervisor's sexual advances; and other offensive or hostile acts. Such acts can constitute harassment whether they are expressed directly or contained in materials or messages within the workplace.

The Anti-Harassment Program is independent from the informal and formal Equal Employment Opportunity (EEO) complaint process, the NRO Ombuds Program, and the NRO Grievance Process.

**Instruction Point of Contact (POC)**

The NRO Anti-Harassment Program Manager (AHPM) in the NRO Office of Equal Employment Opportunity and Diversity Management (OEEO&DM), or designee, serves as the POC for this Instruction. The NRO's AHPM, or designee, will address all allegations of harassment and will be responsible for oversight and conducting "fact-finding" inquiries into reports of allegations of harassment in the workplace. Fact-finding inquiries must begin within ten (10) calendar days after being notified of such incident(s) and be conducted in a prompt, thorough, and impartial manner. If an employee subjected to harassment, or if a third party witnesses such actions, or if a supervisor is aware of harassment, all incidents should be reported to a manager or supervisor within the office. If the harassment allegation(s) involve an immediate manager, or supervisor, the employee should report the allegations of harassment to a higher level manager or in person to the AHPM, or designee. The AHPM is located in Westfields [redacted] and can be reached electronically via email at [redacted] on NMIS, by secure phone at [redacted] or by unsecure phone at (703) [redacted]

(b)(3)

Military members (Active, Reserve, and Guard) are responsible for addressing allegations of harassment with the NRO Chief of Military Equal Opportunity (MEO) in the OEEO&DM. (See NI 80-3-2, Military Equal Opportunity Complaint Process.)

NRO managers and supervisors possess inherent responsibilities to ensure a harassment-free workplace environment. Managers and supervisors must proactively deter workplace harassment and immediately address any allegations of harassment when they become aware of them.

**Support Systems**

The EEO automated Complaint Tracking System and NRO Management Information System.

UNCLASSIFIED

### Process Narrative

NRO personnel should feel empowered to resolve harassment concerns and/or incidents at the earliest opportunity and, when appropriate, with the involvement of the lowest-possible level of management. When possible, harassment allegations should be addressed at the lowest possible level. Options include telling the individual engaged in the harassing conduct that the conduct is not welcome and requesting that the behavior stops; sending the individual an instant message or e-mail asking that the conduct stop; or asking a trusted friend or co-worker to communicate the message to the individual.

For Example:

Direct Approach: Calmly confront the harasser and communicate that the behavior is inappropriate, not welcomed, must stop, and that it violates his/hers/their rights under the NRO's Anti-Harassment Policy,

Indirect Approach: Communicate in writing (e.g., instant message, e-mail) to the harasser stating the facts of the situation, personal feelings about the inappropriate behavior, and expected resolution.

Third Party: Request assistance from another person (e.g., trusted co-worker). The third party accompanies the aggrieved person in discussions with the harasser, or communicates with the harasser on behalf of the offended individual, and

Chain-of-Command: Report the behavior to an immediate manager or supervisor in the chain-of-command and ask for assistance in resolving the situation.

Taking the above-mentioned steps, however, is not required in before going directly to a manager, supervisor, or to the AHPM to report an allegation of harassment.

Managers and supervisors, in consultation with the AHPM, or designee, may address allegations of harassment involving contractor employees by reporting the allegations of harassment to the appropriate PM, COTR, or CO of the contractor employee who will then coordinate any appropriate action(s) with the contractor employee's company.

The AHPM, or designee, in collaboration with managers, and supervisors, are responsible for ensuring that harassment does not occur in the workplace or outside the workplace if the event has a link to the workplace. In addition, regardless of the basis, managers and supervisors are responsible for addressing any harassment allegation(s) immediately and effectively by working with subordinate personnel to address and resolve conflict. Managers and supervisors are required to limit knowledge regarding allegations of harassment to personnel with a genuine business need to know, putting an end to

UNCLASSIFIED

**NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017**

---

rumors and innuendo, taking disciplinary and corrective actions as warranted by the facts, and refraining from reprisal or retaliatory action(s).

The fact-finding inquiry process begins when an individual or a management official contacts the AHPM to report allegations of inappropriate and/or offensive conduct in the workplace. To be considered a violation sufficient to trigger the fact-finding inquiry process, the allegation must be that the conduct alters the condition of the employee's employment or it is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

It is possible that not all allegations of harassment will result in a fact-finding inquiry. Petty slights, annoyances, and isolated incidents (unless extremely serious) may not rise to the level of a violation of the NRO Anti-Harassment Policy. In such instances, the AHPM may refer management officials to a Human Resources professional to address the behavior as misconduct.

The following narrative describes the fact-finding inquiry process at the NRO.

1.0 Any employee who believes that he/she/they has/have been subjected to harassment is encouraged to inform the offending person about the behavior or conduct that is inappropriate, offensive or harassing. This is not a requirement, however, for moving immediately to the next step of the process.

2.0 Any employee subjected to harassment or any individual who witnesses harassing conduct shall report the objectionable behavior to an appropriate management official, the AHPM, or designee within 72 hours of first learning of or witnessing the harassing behavior. Supervisors who witness an incident of workplace harassment, learn of an allegation of harassment from another individual, or otherwise become aware of harassing behavior, have an affirmative obligation to contact and report what they know to the AHPM, or designee, as soon as practicable, but no later than the next business day following the event observed or receipt of information that an incident of harassment may have occurred.

2.1 If the employee subjected to harassment perceives that the workplace harassment to be based on a Federally-protected category, he/she/they must contact an NRO OEEO&DM EEO Counselor within 45 calendar days of the date of the alleged harassing incident or when he/she/they learned of the event/incident to preserve the right to file a formal EEO complaint.

3.0 Once the manager, supervisor, AHPM, or designee, has received the allegation(s) of harassment, if the allegation(s) involves a Federally-protected basis, the AHPM, or designee, will advise the employee subjected to harassment of his/her/their right to initiate

UNCLASSIFIED

UNCLASSIFIED

NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017

---

EEO pre-complaint counseling within **45 calendar days** of the date of the alleged harassment pursuant to 29 C.F.R. Part 1614.

3.1 An employee subjected to harassment has the right to elect anonymity during the inquiry process; however, doing so may limit the AHPM, designee, or inquiry officer's ability to conduct a sufficient inquiry or to achieve resolution to the allegation(s). To the extent possible, the AHPM, or designee will protect the identity of individuals bringing workplace harassment allegations.

3.2 In some instances, the AHPM, or designee, may suggest that the employee subjected to harassment enter the Alternative Dispute Resolution (ADR) process. The NRO Ombuds serves as the program manager for the NRO ADR program. The Ombuds provides a forum for NRO personnel to raise concerns involving work-related activities and programs without fear of reprisal. Mediation is the primary conflict resolution method used in the ADR process.

4.0 The AHPM, or designee, will determine what action is appropriate to address the concerns raised by the allegation(s) of harassment. Possible outcomes include: deciding the allegation does not fall within the scope of "harassment" as stated in this instruction; conducting a fact-finding inquiry that may or may not result in a written report; consulting with appropriate management officials about taking appropriate action to ensure the harassing behavior stops; and referring materials to management, the Office of Human Resources (OHR), the Office of Security and Counterintelligence, the Office of Contracts (for matters involving one or more contractors), the Office of the Inspector General), or other NRO offices for their information and any appropriate action.

4.1 The AHPM, or designee, has the discretion to conduct a fact-finding inquiry even if the allegation(s) does not involve a Federally protected basis, and even if the employee subjected to harassment decides to enter into the informal EEO complaint process.

4.2 During a fact-finding inquiry, all individuals with whom the AHPM, or designee, requests an interview, will provide their prompt and full cooperation by making themselves available at a time and place designated by the AHPM, or designee.

4.3 During a fact-finding inquiry, all individuals who provide a statement to the AHPM, or designee, are required to provide truthful and complete responses to questions to the best of their abilities and not to discuss the topic or content of their statements to the AHPM, or designee, with others.

4.4 The AHPM has the discretion to request that witnesses sign sworn statements containing the content of their testimony and attesting to the truth of the information they provide.

4.5 The AHPM, or designee, will finalize the fact-finding report, and present it to a Management Deciding Official (MDO).

UNCLASSIFIED



UNCLASSIFIED

NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017

---

4.5.1 The MDO will be an NRO manager assigned by the AHPM, or designee, at least two-levels above the aggrieved and/or alleged harasser.

4.5.2 The MDO will be someone who is a neutral party, and if possible, outside of the employee subjected to harassment and alleged harasser's chain of command with no stake in the outcome of the fact-finding inquiry and who will not be subject to undue influence during the course of the inquiry.

4.6 The MDO, within 15 calendar days after receipt of the summary of the inquiry, and in consultation with OHR, the AHPM, or designee, will make the final determination as to whether there is a violation of the NRO's Anti-Harassment Policy. The MDO will reach one of the following conclusions regarding the harassment allegation(s):

a. **True.** The preponderance of the evidence indicates the alleged harassing conduct occurred and it is likely that the action(s) constitute(s) harassment. If the inquiry results are "true," meaning that harassment has occurred, the MDO, in consultation with OHR, will take immediate and appropriate corrective action against the harasser.

b. **False:** The preponderance of the evidence indicates that the alleged harassing conduct did not occur, or the conduct did occur, but it likely does not constitute harassment. If the inquiry results are "false," there may or may not be consideration of appropriate disciplinary action.

c. **Inconclusive:** There is no preponderance of evidence to reach a definite conclusion as to whether the alleged harassing conduct occurred. If the inquiry results are "inconclusive," the MDO, in consultation with OHR and the AHPM, or designee, may consider various remedial actions, but not disciplinary actions. For example, he/she/they may limit contact between the employee subjected to harassment and the alleged harasser, reschedule work hours, consider the reassignment of the alleged harasser, provide training, or reassign job duties.

d. **Other:** The MDO may determine the results of the inquiry to be "other," and may take appropriate corrective actions to address whatever behavior or conduct occurred.

5.0 Within five (5) days of reaching a finding, the MDO will inform the employee subjected to harassment and the alleged harasser of the results. If corrective or disciplinary action(s) is under consideration against the alleged harasser, the employee subjected to harassment will be advised that management is contemplating appropriate action(s), but not what the proposed action(s) was/is.

5.1 For NRO personnel, found to have engaged in harassing behavior, the finding(s) will be coordinated with NRO OHR and then reported to their parent element to follow any additional corrective

UNCLASSIFIED

UNCLASSIFIED

NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017

---

or disciplinary process. Corrective and disciplinary actions will be documented and a copy sent to the AHPM, or designee.

5.2 If the employee subjected to harassment requested anonymity, the MDO will inform the AHPM, or designee, of the finding(s) and the AHPM, or designee, will then notify the anonymous employee subjected to harassment of the finding(s).

6.0 The results of a fact-finding inquiry will remain in inquiry files located in OEEO&DM and destroyed/deleted six years after the conclusion of the inquiry. Some files may be retained longer if needed for official purposes. No other offices or individuals are authorized to retain any documentation created for purposes of and included in the inquiry. Inquiry files will include the following:

- a. All statements from the employee subjected to harassment, alleged harasser, and witnesses about the alleged behavior;
- b. Copies of all relevant administrative correspondence and forms;
- c. Copies of all management deliberative records; and
- d. Copies of all records of corrective and disciplinary actions.

7.0 After receiving feedback regarding the inquiry decision, the employee subjected to harassment or the alleged harasser may request an appeal of the process to a higher-level manager above the MDO within 15 calendar days of being notified of the findings. The appeal authority will review the MDO's decision for thoroughness, completeness, and objectivity. The appeal authority will not initiate a new inquiry into the matter, and their decision regarding management's action is final.

8.0 If the employee subjected to harassment or the alleged harasser believe that the finding(s) and/or conclusion of the inquiry are discriminatory based on a Federally-protected category then he/she may file an EEO complaint with OEEO&DM in accordance with federal law and References g. and h.

**PLEASE NOTE:** Retaliating against personnel who participate in this anti-harassment process is a violation of federal EEO law and the NRO Anti-Harassment Policy. Any person who commits any form of reprisal on another individual for discussing, planning to file, filing, or contacting OEEO&DM will be subject to disciplinary action pursuant to NRO Directive 70-7.

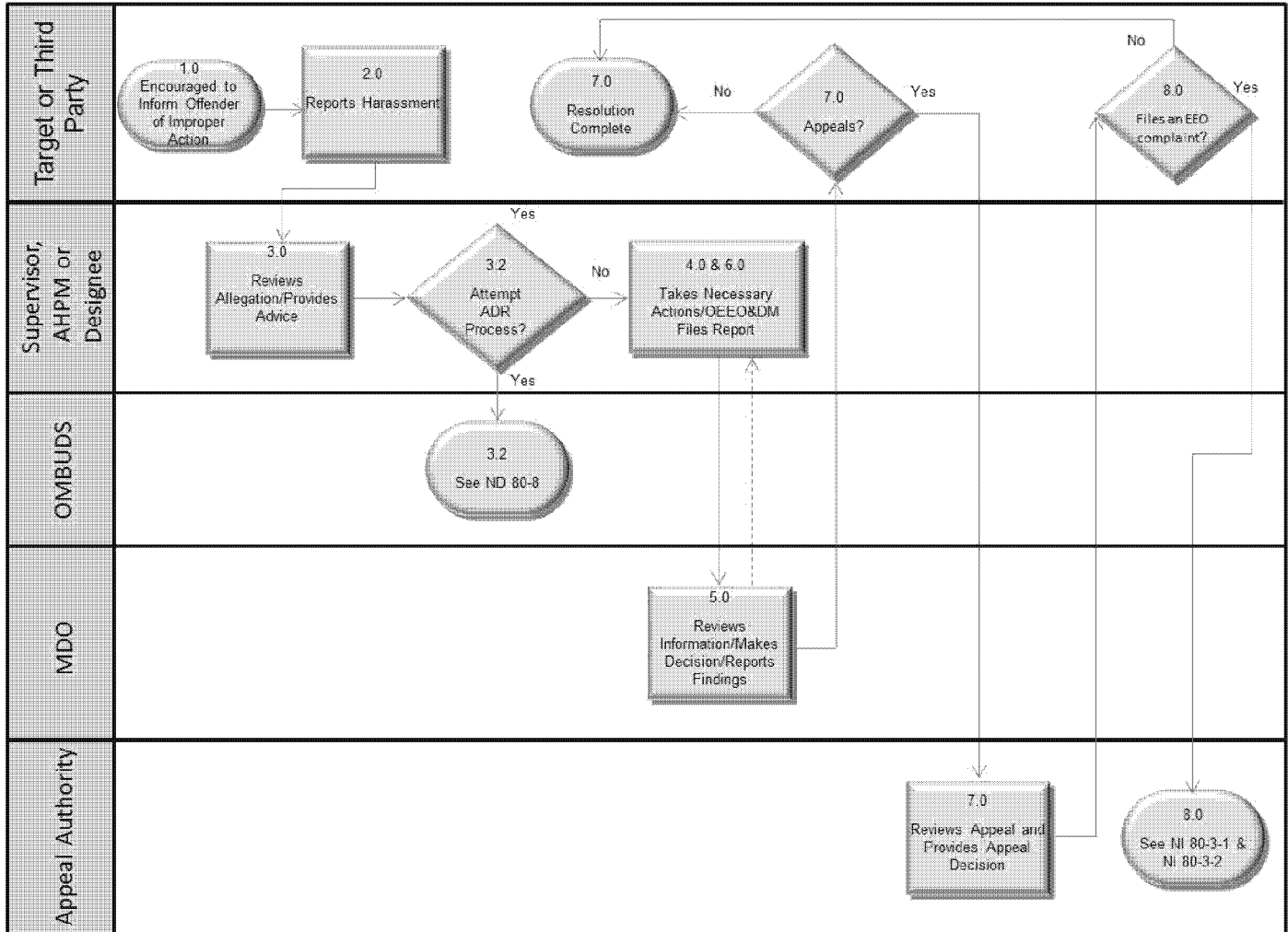
UNCLASSIFIED

UNCLASSIFIED

NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017

Process Flow Diagram

Figure 1: Anti-Harassment Program and Civilian Harassment Complaint Process



UNCLASSIFIED

Table 1: Risk &amp; Internal Control Table

Risk	Internal Control
Civilian government personnel subjected to unwelcome, verbal, written or physical conduct.	NRO Directive 80-3, the Anti-Harassment Policy Note, and NI 80-3-6 ensure a clear explanation of prohibited conduct.
Fear of reporting harassment because of retaliation.	NRO personnel who make claims of harassment or provide information related to such claims will be protected against retaliation.
Failure to provide anonymity when raising allegations of harassment.	To the extent possible, the NRO will protect the confidentiality of the individuals bringing harassment claims.
No clear description of a complaint process that provides accessible avenues for personnel to raise harassment allegations.	NI 80-3-6 contains the complaint process that provides a prompt, thorough, and impartial inquiry process.
No disciplinary or corrective actions.	NI 80-3-6 provides the procedures to take immediate and appropriate disciplinary or corrective action(s) when it is determined that harassment have occurred.

**SECTION III - CONFIGURATION CONTROL**

All changes to NI 80-3-6, Anti-Harassment Program and Civilian Harassment Complaint Process require the Director of OEE&DM approval.

**APPROVING SIGNATURE**

With the authority delegated by the NBF 80, owner for Oversight, I confirm that this document provides a complete representation of the Anti-Harassment Program and Civilian Harassment Complaint Process Instruction and that the document has been coordinated with stakeholders of the process.



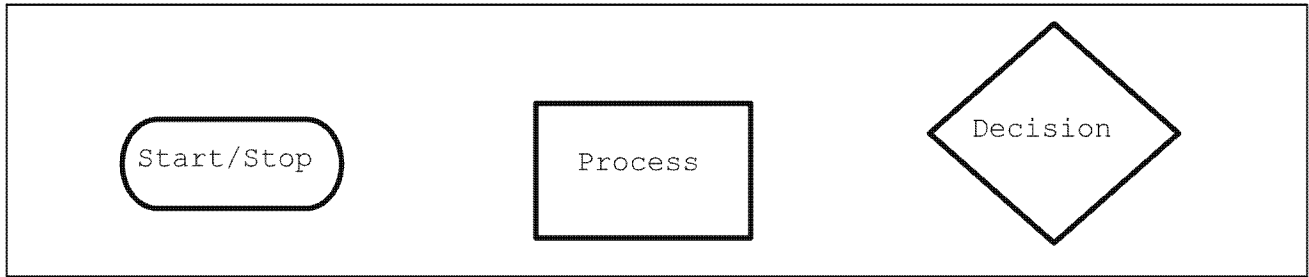
Phillip Hardy  
Director, OEE&DM

1 August 2017

Date

UNCLASSIFIED

APPENDIX A - PROCESS FLOW DIAGRAM LEGEND



UNCLASSIFIED

NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017

## APPENDIX B - GLOSSARY AND ACRONYM LIST

Term and/or Acronym	Definition or Term
AHPM	Anti-Harassment Program Manager
Alleged Harasser	The person accused of creating or subjecting a person to harassment or hostile work environment
Designee	Employee or designee selected to carry out the duties or roles of the AHPM
EEO	Equal Employment Opportunity
Employee subjected to harassment	Employee who believes he/she/they has/have been subjected to workplace harassment.
Harassment Based on a Federally-Protected Category	Any unwelcome verbal, written or physical conduct that is objectively or subjectively offensive and it is based on such factors as race, color, religion, sex (including gender identity and sexual orientation), national origin, age (40 and over), disability (mental or physical), genetic information, and reprisal for opposing employment discrimination and/or for participating in the EEO process; and it creates a hostile or offensive work environment that unreasonably interferes with an individual's work performance, or otherwise adversely affects an individual's employment opportunities
Fact-Finding Inquiry	A fact-finding inquiry is a systematic fact finding assessment into an allegation(s) of harassment conducted for the purposes of determining whether the misconduct occurred.
Inquiry Officer	Individual responsible for conducting the fact-finding inquiry into allegations of harassment
MDO	Management Deciding Official, in consultation with NRO OHR, reviews the fact-finding inquiry report and determines whether there is a violation of the NRO's Anti-Harassment Policy
NBF	NRO Business Function
ND	NRO Directive
NI	NRO Instruction
Nonsexual Harassment	Any unwelcome verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual or group, or creates a hostile or offensive work environment, and is based on one of the federally protected categories
NRO	National Reconnaissance Office
OEE&DM	Office of Equal Employment Opportunity & Diversity Management

UNCLASSIFIED

UNCLASSIFIED

NI 80-3-6 Anti-Harassment Program and Civilian Harassment Complaint Process  
FY 2017

---

Term and/or Acronym	Definition or Term
<b>Sexual Harassment</b>	Any unwelcome verbal, written or physical conduct of a sexual nature that is unwelcome and the submission to or rejection of that conduct would negatively affect an individual's work performance, or create a hostile or offensive work environment.
<b>Supervisor</b>	For purposes of this Instruction, a Supervisor is an NRO employee who oversees and/or evaluates the work of one or more subordinate employees.

UNCLASSIFIED

UNCLASSIFIED

**APPENDIX C - REFERENCES/AUTHORITIES**

- a. NRO Business Function 80, *Oversight*, 04 April 2014.
- b. NRO Directive 80-3, *Equal Employment Opportunity and Diversity Management*, 08 September 2015.
- c. 29 Code of Federal Regulations 1614.
- d. Equal Employment Opportunity Commission, Management Directive 110.
- e. Office of the Director Policy Note, *Anti-Harassment Policy*, 02 March 2016.
- f. NRO Directive 70-7, *Employee Relations*, 15 July 2015.
- g. NRO Instruction 80-3-1, *Civilian Equal Employment Opportunity Discrimination Complaint Process*, 9 September 2015
- h. NRO Instruction 80-3-2, *Military Equal Opportunity Complaint Process*, 9 September 2015

UNCLASSIFIED