

MS 645 Anti-Harassment Program Procedures

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Responsible Office: Office of Civil Rights, Office of Global Operations, Office of Human Resources, Office of the General Counsel

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Table of Contents

GENERAL

- 1.0 Scope and Applicability
- 2.0 Definitions
- 3.0 Training
 - 3.1 Written Materials
 - 3.2 Post or Office-Wide Training
- 4.0 Roles and Responsibilities
 - 4.1 Chief Human Capital Officer
 - 4.2 Agency Harassment Prevention Coordinator
 - 4.3 Office of Civil Rights (OCR) and Equal Employment Opportunity (EEO) Counselors
 - 4.4 Contracting Officers
- 5.0 Reporting
 - 5.1 General Reporting Guidelines
- 6.0 These Procedures are Separate from Other Processes
- 7.0 Confidentiality
- 8.0 Documentation and Recordkeeping
- 9.0 Cooperation

PART A COMPLAINTS INVOLVING U.S. CITIZEN STAFF MEMBERS

- 10.0 Agency Response
 - 10.1 Immediate Response to Alleged Harassing Conduct Reported by or Against U.S. Citizen Staff
 - 10.2 Immediate Response to Alleged Harassing Conduct Reported by U.S. Citizen Staff against Services Contractors
- 11.0 Notification of Procedures and Rights
 - 11.1 Notification to Complainant
 - 11.2 Other Reporting Avenues for U.S. Citizen Complainants and/or Targets
- 12.0 Investigation Requirements
 - 12.1 Investigating Alleged Harassing Conduct
 - 12.2 Allegations of Retaliation
 - 12.3 Determining the Investigator
 - 12.4 Conducting Investigations
 - 12.5 Use of Support Persons
 - 12.6 Reporting on Open Investigations
 - 12.7 Final Reports on Investigations

- 12.8 Disclosing Findings of Investigations
- 12.9 Conflicts of Interest in Investigations
- 13.0 Interim Relief and Temporary Measures
 - 13.1 When Interim Relief is Recommended
 - 13.2 Determining Whether Interim Relief is Appropriate
 - 13.2.1 Forms of Interim Relief
 - 13.2.2 Application of Interim Relief
- 14.0 Post-Final Report Action

PART B COMPLAINTS INVOLVING CONDUCT REPORTED BY NON-U.S. CITIZEN STAFF MEMBERS AGAINST NON-U.S. CITIZEN STAFF MEMBERS

- 15.0 Immediate Response to Alleged Harassing Conduct Reported by Non-U.S. Citizen Staff against Non-U.S. Citizen Staff
- 16.0 Investigation and/or Review
- 17.0 Allegations of Retaliation
- 18.0 Interim Relief and Temporary Measures

PART C COMPLAINTS INVOLVING CONDUCT REPORTED BY VOLUNTEERS AGAINST PEACE CORPS STAFF

- 19.0 Agency Responses to Complaints by Volunteers
 - 19.1 Complaints against U.S. Citizen Staff Members
 - 19.2 Complaints against Non-U.S. Citizen Staff Members

Attachment

Attachment A – Harassing Conduct Summary Form

GENERAL

1.0 Scope and Applicability

- (a) These Procedures will be used to address allegations of harassment perpetrated by Peace Corps Staff, as defined in MS 645 *Anti-Harassment Program*.
 - (1) Harassment by Peace Corps Staff against persons who are neither Staff nor Volunteers is not subject to this Manual Section. However, the Peace Corps should evaluate all reports of harassing behavior by Staff (even when the target is neither Staff nor Volunteer):
 - i. When someone who is neither Staff nor a Volunteer accuses Peace Corps Staff of harassing behavior and the alleged harasser is a U.S. direct-hire, the Agency Harassment Prevention Coordinator in the Office of Human Resources (OHR) should evaluate the report, and, in consultation with the Office of the General Counsel (OGC), may determine that an investigation and/or corrective action is

warranted. Such investigation and/or corrective action may be warranted when the alleged harassment has a nexus to the workplace, when the alleged harasser is a supervisor, and/or if the alleged conduct violates another Manual Section or “Core Expectation” of Staff (e.g., MS 641 *Standards of Conduct for Peace Corps Employees*, MS 647 *Staff Responsibilities and Conduct*).

- ii. When someone who is neither Staff nor a Volunteer accuses Peace Corps Staff of harassing behavior and the alleged harasser is a personal services contractor (PSC) or other services contractor, as defined in MS 645, the Office of the Chief Financial Officer/Acquisition and Contract Management (OCFO/ACM) should evaluate the reports of harassing behavior by that Staff member and, in consultation with OGC, may determine that an investigation and/or corrective action is warranted. Such investigation and/or corrective action may be warranted when the alleged harassment has a nexus to the workplace, when the alleged harasser is a supervisor, and/or if the alleged conduct violates another Manual Section or conduct requirement included or referenced in the PSC’s personal services contract.

(b) The authorities are the same as MS 645, unless otherwise noted.

(c) Below is the outline of these Procedures.

General: The general procedures, which apply to all Peace Corps Staff members, regardless of citizenship or location of work, are at the beginning.

Part A: The procedures found in Part A apply only to complaints in which the target of the harassing conduct or alleged harasser is a U.S. citizen Staff member or a Staff member who works in the United States.

Part B: The procedures found in Part B apply only to complaints in which neither the target of the harassing conduct or alleged harasser is a U.S. citizen Staff member or a Staff member who works in the United States.

Part C: The procedures found in Part C apply only to complaints in which the target of the harassing conduct is a Volunteer, and the alleged harasser is a Peace Corps Staff member.

2.0 Definitions

The terms defined in MS 645 have the same meanings when used in these Procedures. For the purposes of these Procedures, the below definitions are in addition to those terms defined in MS 645:

(a) The **complainant** is the person who makes a report of alleged harassment pursuant to

MS 645 *Anti-Harassment Program*. The complainant can be the target of the alleged harassment, or a bystander, witness, or otherwise have knowledge of the alleged harassment.

- (b) **Need to know** means, with respect to particular information, that access by an individual to particular information is useful in, or facilitates the efficient performance of, that individual's official Peace Corps duties.
- (c) **Services contractors** are individuals who are contracted to provide services to the Peace Corps through a contracting mechanism other than a personal services contract.

For the purposes of these Procedures, only the following types of services contractors are considered to be "Staff," unless otherwise indicated, and eligible to be a complainant and/or target:

- (1) They work in a Peace Corps facility, and
 - (2) They have their day-to-day work overseen and directed by a Peace Corps Staff member, who is not a services contractor.
- (d) The **target** is the person at whom the alleged harassing conduct was aimed, and/or the person who directly experienced the alleged harassment.

3.0 Training

3.1 Written Materials

Upon engagement with the Peace Corps, all Staff will be provided sufficient written materials that include:

- (a) The standards for behavior expected by Peace Corps leadership;
- (b) Information about what constitutes harassment;
- (c) A detailed description of the anti-harassment policy, procedures, and consequences for harassing behaviors; and
- (d) Any applicable laws.

Additional training, which may be delivered in-person, virtually, in writing, or otherwise, may also be offered to Staff members as appropriate.

3.2 Post or Office-Wide Training

Certain circumstances may give rise to the need for Post-wide or office-wide training. For example, office-wide training is likely appropriate if more than one Staff member in the office has engaged in harassing conduct, if there is other evidence that Staff in the office

do not know what conduct is appropriate and permissible, if Staff in the office appear unaware of how to properly respond to harassing conduct, or if Staff in the office engaged in (or may engage in) retaliation.

For any recommendation of Post-wide or office-wide training, the Agency Harassment Prevention Coordinator will make the final determination and coordinate with relevant Office Heads and supervisors to ensure appropriate training is provided and completed by Staff.

4.0 Roles and Responsibilities

4.1 Chief Human Capital Officer

In addition to the duties described in MS 645 *Anti-Harassment Program*, the Chief Human Capital Officer (CHCO) will designate a Staff member of OHR to serve as the Agency Harassment Prevention Coordinator (hereinafter “Coordinator”), whose duties under these Procedures are summarized in subsection 4.2 below.

4.2 Agency Harassment Prevention Coordinator

The Coordinator is responsible for implementing and monitoring the Anti-Harassment Program and these Procedures to address harassment complaints against Peace Corps Staff. Specifically, the Coordinator will:

- (a) Act as a subject matter resource for the development of Staff and management orientation, training, and information programs for harassment-free workplaces;
- (b) Receive harassment complaints from Staff, managers, and others;
- (c) Review complaints, identifying whether allegations are within the scope of the agency’s policy in MS 645;
- (d) Advise any party or witness related to a complaint on matters about the agency’s policy;
- (e) Coordinate the assignment of investigators when investigations into allegations of harassment are necessary;
- (f) Advise investigators on policy and procedural issues associated with the conduct of harassment investigations;
- (g) Maintain records of all harassment complaints and track their progress through to resolution/conclusion;
- (h) Coordinate with other Peace Corps offices, as required, depending on the nature of the complaint and the citizenship and engagement mechanism of the parties to the alleged harassment (complainant, target, and/or alleged harasser);

- (i) Ensure that all individuals who are involved in carrying out these Procedures in any capacity are informed about the prohibition against retaliation, as described in MS 645;
- (j) Make determinations regarding Post-wide and office-wide trainings and coordinate with relevant Office Heads and supervisors to ensure appropriate training is provided and completed by Staff; and
- (k) Submit a quarterly report to the Office of the Director describing, among other things, the reports of alleged harassing conduct received during the previous quarter, including reports first made to supervisors and Office Heads, as well as those reports submitted directly to the Coordinator. The Coordinator shall include all reports of alleged harassing conduct reported by or against U.S. citizen Staff. Whenever possible, this report should not include personal identifiers of the target or alleged harasser.

4.3 Office of Civil Rights (OCR) and Equal Employment Opportunity (EEO) Counselors

OCR and EEO Counselors will:

- (a) Inform Staff who bring complaints of harassment under MS 653 *Equal Employment Opportunity and Affirmative Employment* or other EEO processes that they will notify the Coordinator of the complaint, unless the complaint is in the pre-complaint stage and the complainant has requested anonymity; and
- (b) Promptly inform the Coordinator of any complaint of harassment, as defined in MS 645, unless the complaint is in the pre-complaint stage and the complainant has requested anonymity.

4.4 Contracting Officers

When a PSC or services contractor is the complainant, target, and/or alleged harasser, the Contracting Officer (domestic or overseas) must take all required contracting actions in accordance with contracting policy. Areas where a Contracting Officer may be called on to take action include providing notifications, taking disciplinary action, documenting decisions, and/or keeping records. Additionally, the Contracting Officer, in the cases identified above, must:

- (a) Promptly inform the Coordinator of any complaint of harassment they have received, as defined in MS 645;
- (b) Receive information from and coordinate with the Coordinator regarding the complaint; and
- (c) Coordinate with the OCFO/ACM, OGC, and appropriate Region/Headquarters office

before temporary measures or disciplinary measures are taken against a PSC or services contractor.

5.0 Reporting

5.1 General Reporting Guidelines

Anyone who is subjected to harassing conduct should tell the person who engaged in the conduct to stop. If the target of the perceived harassing conduct is uncomfortable confronting the person who engaged in the conduct, or if the conduct continues, the target of the perceived harassing conduct should come forward as soon as possible and report the conduct verbally or in writing to any of the individuals/offices enumerated below. Further, non-management bystanders who witness or otherwise learn of apparent harassing conduct directed at others are encouraged to report the conduct, as soon as possible, to any individual/office set forth below:

- (a) The target's immediate supervisor;
- (b) The supervisor of the person who engaged in the conduct;
- (c) Any other supervisor or Office Head (including Country Directors (CDs) and Regional Directors (RDs));
- (d) The Contracting Officer or Contracting Officer's Representative (COR)/Point of Contact (POC), if the alleged harasser is a PSC or services contractor; and/or
- (e) The Employee and Labor Relations (ELR) Division of OHR, which can be reached by telephone at (202) 692-1200, via e-mail at employeerelations@peacecorps.gov, or by mail at Peace Corps, Office of Human Resources, 1275 First Street, NE, Washington, DC 20526.

6.0 These Procedures are Separate from Other Processes

These Procedures are designed to address unwelcome conduct in the workplace before it rises to the level of unlawful harassment. The purpose of these Procedures is to ensure that management officials are notified of and have the opportunity to prevent and/or correct harassing conduct. These Procedures are different than those described below:

- (a) An EEO complaint, as described in MS 653 *Equal Employment Opportunity and Affirmative Employment*;
- (b) An allegation of discrimination as described in MS 654 *Non-United States Citizen Staff Discrimination Policy*;
- (c) An allegation of discrimination as described in MS 293 *Volunteer Discrimination Complaint Procedure*;
- (d) An administrative grievance, as described in MS 655 *Direct Hire Employee*

Grievances; and

- (e) A Foreign Services Grievance Board (FSGB) appeal.

Filing a report under these Procedures does not satisfy the requirements for filing an EEO complaint, negotiated or administrative grievance, or other processes, or for obtaining remedies pursuant to those processes.

Filing a report under these Procedures does not delay the time limits for initiating other processes. If a Staff member has filed a report under these Procedures, they may also choose to pursue statutory, administrative, or collective bargaining remedies regarding an alleged act of harassment in accordance with the rules and timeframes of those other forums.

7.0 Confidentiality

All reports and investigations of alleged harassing conduct, as well as all related information, shall be maintained on a confidential basis to the greatest extent possible, except as necessary to conduct a thorough and fair investigation or except as required by law. Only individuals who need to know about the conduct and related information will have access to that information.

Breaches of confidentiality may be reported at any time during or after a complaint and/or resolution process to the Coordinator and/or the Chief of Staff. Those who are found to have breached confidentiality may be subject to disciplinary action, up to and including termination.

8.0 Documentation and Recordkeeping

All actions taken with respect to alleged harassing conduct shall be documented, including when alleged conduct does not constitute harassing conduct under the terms of these Procedures.

9.0 Cooperation

Witnesses, supervisors, the alleged harasser, and any parties involved will be expected to cooperate with a review or investigation so that it can be conducted in a prompt, thorough, and fair manner. If any person, other than the target, fails to cooperate with an investigation under these Procedures, that person may face disciplinary action, up to and including termination. If the target does not wish to cooperate with the investigation, the investigator should advise the target that non-cooperation may negatively impact the agency's ability to investigate the alleged harassment and/or to take appropriate action.

Appropriate corrective action, up to and including removal or termination, shall be taken against any Office Head or supervisor who fails to perform his/her obligations as set forth in these Procedures regarding harassing conduct that the Office Head or supervisor knew or should have known about.

Appropriate positive reinforcement, up to and including awards and positive feedback on performance appraisals/evaluations (if applicable), may be provided to any Office Head or supervisor who handles harassing conduct in an exemplary manner.

PART A

COMPLAINTS INVOLVING U.S. CITIZEN STAFF MEMBERS

The agency will respond immediately to all allegations of harassing conduct. Due to differences in responsibilities and reporting structure, the response procedures will differ slightly for different types of Staff members. The procedures outlined in Part A below apply only to complaints in which the target of the harassing conduct or alleged harasser is a U.S. citizen Staff member or a Staff member who works in the United States.

10.0 Agency Response

10.1 Immediate Response to Alleged Harassing Conduct Reported by or Against U.S. Citizen Staff

- (a) **Receipt of Reports of Alleged Harassing Conduct.** If an Office Head (including CDs and RDs), supervisor, or the Coordinator receives a report of alleged harassing conduct, the report must be acknowledged (to the complainant), in writing, as soon as possible following receipt.
- (b) **Immediate Documentation of Alleged Harassing Conduct.** If an Office Head, supervisor, or the Coordinator receives a report or becomes aware of alleged harassing conduct, they must, as soon as possible, document the alleged conduct by completing the Harassing Conduct Summary Form (*see Attachment A*). The form requires documentation of:
 - (1) The name, position, and office/work location of individuals who may be involved, including the complainant, the target(s) of the alleged conduct if different from the complainant, the alleged harasser(s), and any witness(es) or others who may have knowledge of the conduct;
 - (2) The alleged conduct at issue, the date(s) the conduct occurred, and whether the conduct is alleged to be based on a protected class or any other basis protected under federal law and regulation (See MS 645 *Anti-Harassment and Affirmative Employment*.);
 - (3) Any initial steps taken in response to the alleged conduct; and
 - (4) Any other relevant information.
- (c) **Notifying Appropriate Officials**

(1) Alleged Harassing Conduct Within an Office Head's or Supervisor's Chain of Command

- i. An Office Head or supervisor who receives a report of or becomes aware of alleged harassing conduct within their chain of command will, as soon as possible but no later than within three (3) business days, ensure their Office Head and the Coordinator are notified. Upon notification, the Coordinator shall notify the parties' supervisor(s), and in the case of a PSC or services contractor, shall also notify the Contracting Officer.
- ii. Provided, however, if the conduct implicates an Office Head or supervisor, notification should not be made to the implicated Office Head or supervisor and should instead be made to the Coordinator and the implicated person's supervisor.

(2) Alleged Harassing Conduct Outside an Office Head's or Supervisor's Chain of Command

- i. An Office Head or supervisor who receives a report of or becomes aware of alleged harassing conduct outside their chain of command will, as soon as possible but no later than within three (3) business days, notify the Coordinator. The Coordinator shall ensure the Office Head and the parties' supervisor(s) are notified, subject to the limitation in 10.1(c)(1)ii above, and in the case of a PSC or services contractor, shall also notify the Contracting Officer.

- (3) When contacted directly by a complainant, the Coordinator will notify the alleged harasser's Office Head or, if the conduct implicates the Office Head, that Office Head's supervisor. The Coordinator will also notify the parties' supervisor(s) and in the case of a PSC or services contractor, shall also notify the Contracting Officer.

The notifications described in 1 through 3 above will be in writing and include, as an attachment, the initially completed Harassing Conduct Summary Form (*see* Attachment A). The notifications will also include any additional steps taken and any additional relevant information received since the Harassing Conduct Summary Form was initially completed.

The requirements of 1 through 3 above apply even if the complainant asks that the information be kept confidential or that no action be taken. The Office Head, supervisor, or Coordinator will explain to the complainant that the Peace Corps takes seriously its responsibility to prevent and stop harassing conduct in the workplace, and that they have a responsibility to report the conduct to keep all Staff members safe and free from harassing conduct.

Because of OHR and OCR's potentially overlapping roles, and to clarify with the complainant in which forum they wish to proceed, the Coordinator shall promptly notify OCR, as appropriate, but no later than within three (3) business days of when they become aware of an allegation of harassing conduct. The Coordinator shall also promptly notify OGC for their awareness and guidance.

As noted in subsection 4.2(j), the Coordinator shall submit a quarterly report to the Office of the Director describing, among other things, the reports of alleged harassing conduct received during the previous quarter, including reports first made to supervisors and Office Heads, as well as those reports submitted directly to the Coordinator. The Coordinator shall include all reports of alleged harassing conduct reported by or against U.S. citizen Staff, including services contractors. Whenever possible, this report should not include personal identifiers of the target or alleged harasser.

10.2 Immediate Response to Alleged Harassing Conduct Reported by U.S. Citizen Staff against Services Contractors

If a U.S. citizen Staff member or a Staff member that works in the United States reports alleged harassing conduct by a services contractor, the Coordinator shall bring the report to the attention of the Director of OCFO/ACM and either the Chief of OCFO/ACM's Domestic Division for domestic complaints or the Chief of its Overseas Division for Post complaints, who will work with the Contracting Officer to notify the services contractor as soon as possible, but no later than within three (3) business days. The Contracting Officer shall request that the services contractor conduct a prompt, thorough, and fair investigation, and, as appropriate, take preventive and/or corrective action in a meaningful manner. If the services contractor fails to initiate contact with the complainant within three (3) business days of receiving the report from the agency, as required in subsection 12.4 of these Procedures on conducting investigations, the Coordinator shall immediately contact the complainant and conduct an investigation in accordance with these Procedures.

11.0 Notification of Procedures and Rights

11.1 Notification to Complainant

Upon receiving a report or becoming aware of alleged harassing conduct, the Coordinator shall inform the complainant (and the target of the alleged conduct, if different from the complainant) about the steps that will be followed pursuant to these Procedures. This includes an assurance that the investigation of the alleged conduct will be as timely as possible, depending on the complexity of the case and available resources. This also includes an assurance that, as set forth in subsection 7.0 on confidentiality, the alleged conduct and all related information will be maintained on a confidential basis to the greatest extent possible, except as necessary to conduct a thorough and fair investigation or except as required by law. The complainant (and the target of the alleged conduct, if different from the complainant) shall be assured that only individuals who need to know about the alleged conduct and related information will be told about it.

If alleged harassing conduct is not alleged to be based on one or more of the protected classes listed in these Procedures at 10.1(b)(2) above and in MS 645 under the definition of harassment at 4.0(a), the Coordinator shall promptly inform the complainant that the conduct does not constitute harassing conduct under the terms of these Procedures. The Coordinator shall then advise the complainant to contact their first or second-line supervisor, union representative, ELR, and/or their Contracting Officer, and shall offer assistance, when appropriate, to reach an expeditious resolution to the problem presented.

11.2 Other Reporting Avenues for U.S. Citizen Complainants and/or Targets

If a U.S. citizen Staff member was the target of the alleged harassing conduct, the Coordinator shall also advise the complainant of their other avenues of redress, including, if applicable:

- (a) The right to file a complaint under the EEO process, which includes informing the complainant of the related deadlines for the EEO complaint process;
- (b) Applicable rights under the Collective Bargaining Agreement;
- (c) The right to seek relief through the alternative dispute resolution process under MS 656 *Alternative Dispute Resolution Process*;
- (d) The right to go to OGC, if the conduct is alleged to be based on marital status or political affiliation; and
- (e) The right to go to the Foreign Service Grievance Board, if the conduct results in an adverse personnel action such as suspension, demotion, or termination.

12.0 Investigation Requirements

12.1 Investigating Alleged Harassing Conduct

- (a) **Timeline.** Once the Coordinator receives notification of alleged harassing conduct, they will make all reasonable efforts to complete an investigation as quickly as possible, but at most within 30 calendar days, unless there are extenuating circumstances.
- (b) **Standards for Investigations.** Investigations will be prompt, thorough, and fair. A complaint of alleged harassing conduct shall not be presumed true, and an alleged harasser shall not be presumed culpable unless and until a complete investigation determines that harassing conduct occurred. Any interim relief, such as separation of the parties, shall not be construed as a presumption of culpability.
- (c) **Scope of Investigations.** The Coordinator shall determine the necessary scope of investigations. These determinations are fact-specific and shall be made on a case-by-case basis.

12.2 Allegations of Retaliation

Complaints of retaliation, as defined in MS 645 at 4.0(g), may be investigated jointly with the underlying harassment allegation or may be investigated separately at the discretion of the Coordinator. In exercising this discretion, the Coordinator may consider, among other things, the availability of resources, the views of the parties on a joint investigation, and the likelihood of overlapping witnesses and evidence.

12.3 Determining the Investigator

- (a) The Coordinator shall determine who will conduct an investigation. The Coordinator may also conduct investigations.
- (b) If the Coordinator determines that an external investigative service or external entity is necessary and appropriate to conduct an investigation, they shall provide the reason(s) for the determination to the CHCO, who may approve such action.
- (c) If a current Staff member alleges harassing conduct by a person who is no longer a Peace Corps Staff member, the Coordinator shall conduct the investigation.
- (d) If the alleged harasser resigns pending a determination regarding the alleged harassing conduct, the Coordinator shall document that the resignation occurred prior to a determination having been made. If the complainant leaves the Peace Corps before an investigation is completed, the Coordinator shall ensure that the investigation is completed and a report on the investigation is prepared (*see* subsection 12.7). If applicable, the resignation shall be documented in accordance with the Sam Farr and Nick Castle Peace Corps Reform Act, by OHR following MS 652 *Corrective and Adverse Actions* or by the Contracting Officer following the Personal Services Contracts Chapter of the Overseas Contracting Handbook and any other implementing procedures.

12.4 Conducting Investigations

The Coordinator (or assigned investigator) must begin an inquiry within ten (10) days of notification of all harassment allegations. To conduct an investigation, the Coordinator (or assigned investigator) must:

- (a) Initiate contact with the complainant within three (3) business days of receiving notification of the alleged conduct to interview the complainant;
- (b) Initiate contact with the alleged harasser within five (5) business days of receiving notification of the alleged conduct to interview the alleged harasser;
- (c) Explain to the complainant and alleged harasser what will happen throughout the course of the investigation, including an assurance that the investigation will be as timely as possible, depending on the complexity of the case and available resources, as well as an assurance that the report and investigation, as well as all related

information, will be maintained on a need-to-know basis;

- (d) Collect relevant evidence and determine who else may have relevant information and interview them;
- (e) Determine whether preventive and/or corrective action is needed to address the conduct; and
- (f) Prepare the report on the investigation, as described in subsection 12.7 below.

12.5 Use of Support Persons

- (a) Any person being interviewed as part of the investigation may be accompanied by a support person of their choosing and at their own expense (such as a union representative, lawyer, colleague, or friend) when attending meetings regarding a complaint, provided that any such support person is not a witness to the complaint and provided the person selected is not, in the judgement of the Coordinator, in a potential conflict of interest position by virtue of their involvement.
- (b) A support person cannot interfere with the conduct of the meeting (such as by not permitting a person to speak). If found to have done so, the individual responsible for the conduct of the meeting (such as the Coordinator, investigator, Office Head, or supervisor) may end the session.
- (c) Support persons shall maintain the confidentiality of all information about the complaint and/or resolution process.

12.6 Reporting on Open Investigations

- (a) The Coordinator shall report to the CHCO within five (5) business days of the commencement of an investigation and shall provide updates on investigations as requested by the CHCO.
- (b) In addition to describing reports of alleged harassing conduct received during the previous quarter, including reports first made to supervisors and Office Heads, those reported directly to the Coordinator, and those reported against services contractors, the Coordinator shall also include in the quarterly report to the Office of the Director the number of open investigations (if any) and their status.

12.7 Final Reports on Investigations

At the conclusion of an investigation and after consulting with OGC, the Coordinator (or assigned investigator) shall prepare and submit to the CHCO and the Chief of Staff a report on the investigation (hereinafter “Final Report”), including the individuals and conduct involved, a description of the collected evidence, the steps taken to conduct the investigation, the findings of the investigation, a determination of whether preventive and/or corrective action is needed to address the conduct, and any other relevant

information. The investigative file should also be appended to the Final Report.

12.8 Disclosing Findings of Investigations

The Coordinator shall provide a summary of the findings of the investigation, contained in the Final Report, to the complainant (and the target of alleged harassing conduct, if different from the complainant), the alleged harasser, the alleged harasser's immediate supervisor, and the Office Head(s) of the office(s) implicated. Other agency officials will only receive a summary of the findings if they have a need to know such information.

12.9 Conflicts of Interest in Investigations

- (a) If harassing conduct is alleged against a political appointee, non-career Senior Foreign Service employee, Office Head, or similar high-ranking official, notice of the conduct shall be given to the CHCO, who may delegate responsibility for investigating the conduct to the General Counsel or an external investigator to ensure neutrality and integrity of the process.
- (b) If any person involved in the investigation, including the Coordinator or investigator, has a personal or potential conflict of interest, notice should be given to the CHCO, and the person with the conflict of interest must recuse themselves from any further involvement (including administrative processing) of this case. The CHCO may then request the General Counsel or an external investigator conduct the investigation to ensure neutrality and integrity of the process.
- (c) If harassing conduct is alleged against a manager in the Office of the Inspector General, notice of the allegation should be directed to the Council of the Inspectors General on Integrity and Efficiency.
- (d) Any dispute between an office subject to an investigation and the Coordinator (or an assigned investigator) shall be resolved by the CHCO.

13.0 Interim Relief and Temporary Measures

At any stage of the complaint and/or investigation process, it may be necessary to take, modify, or end interim relief and temporary measures in order to preserve a conducive work environment and safeguard the well-being of a complainant and/or witness(es).

13.1 When Interim Relief is Recommended

Interim relief is recommended in situations where a Staff member reports fear of physical threat because of alleged harassing conduct or when there is a concern, based on the alleged conduct, that specific circumstances may present a hardship to the Staff member. Interim relief may be used to minimize contact between the complainant (and the target of the alleged conduct, if different from the complainant) and the alleged harasser until the matter is concluded.

13.2 Determining Whether Interim Relief is Appropriate

In determining whether interim relief is appropriate, the Office Head, in consultation with the Coordinator, and the Contracting Officer, in consultation with OCFO/ACM when interim relief is to be applied to a PSC or services contractor, shall determine whether immediate interim action is required to insulate Staff members from potential additional harassing conduct. If the Office Head is implicated, the Coordinator shall consult with the Office Head's supervisor. The Office Head and Coordinator shall also consult with ELR Staff, OGC, and/or the Director of OCFO/ACM, as necessary.

13.2.1 Forms of Interim Relief

Forms of interim relief that may be utilized will vary by the engagement mechanism of the individual to which they are applied, but may include and are not limited to:

- (a) Temporary reassignment;
- (b) Temporary transfer to a different physical location;
- (c) Placement in telework status; and
- (d) Administrative leave in those circumstances when other forms of temporary relief are either unavailable or would present an unreasonable hardship. Administrative leave should only be allowed for the amount of leave time required to resolve the investigation.

13.2.2 Application of Interim Relief

Interim relief shall be applied in a manner so as not to unduly burden the complainant (and the target of the alleged conduct, if different from the complainant). Except in very limited circumstances, the interim relief shall be applied to the alleged harasser, rather than the complainant or the target of the conduct.

14.0 Post-Final Report Action

If it is determined in a Final Report that harassing conduct occurred, the following will apply:

- (a) For U.S. direct-hires, the Coordinator shall convene a meeting with the Office Head, the offender's supervisor, and Staff from ELR, OCR, and OGC, to jointly discuss the preventative, and/or corrective, and/or disciplinary action to be recommended. If one of these parties is the offender, they will be replaced with their supervisor. The recommendation will then be referred to the CHCO for decision within ten (10) business days. The responsible management official shall implement the disciplinary action within five (5) business days of receiving the CHCO's decision on such action. All corrective action should be taken within sixty (60) calendar days from receipt of the harassment allegation.

- (b) For PSCs or services contractors, the Coordinator shall convene a meeting with the Office Head, the offender's supervisor, the Contracting Officer, Staff from OCFO/ACM, OGC, and OCR, and the Chief Administrative Officer (CAO) of the Region/Headquarters office to which the PSC or services contractor is assigned, to jointly concur on the appropriate preventative, and/or corrective, and/or disciplinary action. If one of these parties is the offender, they will be replaced with their supervisor or, in case the offender is the Contracting Officer, an alternative Contracting Officer. The Contracting Officer (or alternative Contracting Officer) shall implement the preventative, and/or corrective, and/or disciplinary action in line with contracting policies and procedures.

PSCs whose actions have been found to be in violation of this policy may be provided with a Letter of Reprimand, Cure Notice, suspended without pay for up to 30 calendar days, and/or have their personal services contract terminated/ended by the Peace Corps (either through termination, non-exercise of option, or non-renewal).

Services contractors whose actions have been found to be in violation of this policy will be addressed by the Contracting Officer. This may include a request that the services contractor appropriately discipline their employee, transfer of the offender to another role that does not include direct contact with Peace Corps staff, removal of the offender from providing further services to the Peace Corps under the contract, and/or termination of the contract in full or in part by the Peace Corps.

Once disciplinary action is implemented, the Final Report shall be amended to describe the action taken. An explanation of any delay in implementing such action shall be explained in an amendment to the Final Report.

PART B

COMPLAINTS INVOLVING CONDUCT REPORTED BY NON-U.S. CITIZEN STAFF MEMBERS AGAINST NON-U.S. CITIZEN STAFF MEMBERS

The procedures outlined in Part B below apply only to complaints in which neither the target of the harassing conduct or alleged harasser is a U.S. citizen Staff member or a Staff member who works in the United States.

15.0 Immediate Response to Alleged Harassing Conduct Reported by Non-U.S. Citizen Staff against Non-U.S. Citizen Staff

- (a) **Receipt of Reports of Alleged Harassing Conduct.** If an Office Head (including a CD or RD), supervisor, or the Coordinator receives a report of alleged harassing conduct, the report must be acknowledged (to the complainant), in writing, as soon as possible after receipt.
- (b) **Notifying Appropriate Officials.** If an Office Head (including the CD or RD),

supervisor, or the Coordinator receives a report of alleged harassing conduct, they must notify the appropriate CD and Director of Management and Operations (DMO) (or persons acting in those capacities) as soon as possible but no later than within five (5) business days. If the conduct implicates a non-U.S. citizen Staff member included in the notification chain above (i.e., the DMO), the Office Head, supervisor, or Coordinator should not notify the implicated individual and will instead notify the RD.

16.0 Investigation and/or Review

- (a) If the DMO directly supervises the alleged harasser, the CD will serve as the lead on the review or investigation of the allegations. If the alleged harasser is supervised by anyone but the DMO, the DMO will serve as the lead on the review or investigation of the allegations.
- (b) If any person involved in the investigation, including the CD or DMO, has a personal or potential conflict of interest, notice should be given to the RD, and the person with the conflict of interest must recuse themselves from any further involvement (including administrative processing) of this case. The RD shall consult with OGC to determine how to proceed.
- (c) Once the CD and/or DMO receive notification of alleged harassing conduct, the CD or DMO (whoever is serving as the lead) must document the nature of the allegation (including the complainant and the alleged harasser, the type of harassing conduct alleged, and when the conduct allegedly occurred).
- (d) If the nature of the harassing conduct alleged falls within the definition of harassment in MS 645, the CD or DMO (whoever is serving as the lead) must promptly consult with OGC, the Region, and OCFO/ACM's Overseas Division to determine whether the matter should be reviewed or formally investigated and develop a plan of action. That plan of action may follow some or all of the investigation steps outlined in subsection 12.0 above, or it may differ depending on the circumstances and/or local law.
- (e) If the complaint is being investigated under these procedures, the CD or DMO (whoever is serving as the lead):
 - (1) Should solicit information from the complainant (and the target of the alleged conduct, if different than the complainant), any potential witness(es), and the alleged harasser, in order to determine whether harassing conduct occurred. The review or investigation must be prompt, thorough, and fair, and maintain the confidentiality of all parties involved to the greatest extent possible.
 - (2) Should make all reasonable efforts to complete an investigation as expeditiously as possible, but will complete the investigation within 30 calendar days, unless the Region determines there are exceptional circumstances.

- (f) If the alleged harasser resigns pending a determination regarding the alleged harassing conduct, the DMO shall document that the resignation occurred prior to a determination having been made in accordance with the procedures found in the Overseas Contracting Handbook's Chapter on Personal Services Contracts. If the complainant leaves the Peace Corps before an investigation is completed, the CD or DMO (whoever is serving as the lead) shall ensure that the investigation is completed and a Final Report is prepared.
- (g) The Final Report along with any relevant attachments must be kept by Post in the alleged harasser's contract file.
- (h) A summary of the findings of the investigation, contained in the Final Report, may be shared with the complainant (and the target of alleged harassing conduct, if different from the complainant), the alleged harasser, the alleged harasser's immediate supervisor, and the Office Head(s) of the office(s) implicated. Other agency officials may also receive a summary of the findings if they have a need to know such information.

17.0 Allegations of Retaliation

Complaints of retaliation, as defined in MS 645, may be investigated jointly with the underlying harassment allegation or may be investigated separately, at the discretion of the CD or DMO (whoever is serving as the lead in the investigation).

18.0 Interim Relief and Temporary Measures

At any stage of the complaint and/or investigation process, it may be necessary to take, modify, or end interim relief and temporary measures in order to preserve a conducive work environment and safeguard the well-being of a complainant and/or witnesses.

18.1 When Interim Relief is Recommended

Interim relief is recommended in situations where a Staff member reports fear of physical threat because of alleged harassing conduct or when there is a concern, based on the alleged conduct, that specific circumstances may present a hardship to the Staff member. Interim relief may be used to minimize contact between the complainant (and the target of the alleged conduct, if different from the complainant) and the alleged harasser until the matter is concluded.

18.2 Determining Whether Interim Relief is Appropriate

In determining whether interim relief is appropriate, the CD and the DMO, in consultation with the Region, OCFO/ACM, and OGC, shall determine whether any immediate interim action is required to insulate Staff from potential additional harassing conduct.

18.3 Forms of Interim Relief

Interim relief may include, but is not limited to: providing the alleged harasser a written order to not contact or interact with the target or complainant (when different than the target), temporary reassignment of duties so as to limit contact between the target and alleged harasser, placing a Staff member in telework status, or placing a Staff member on paid administrative leave.

18.4 Application of Interim Relief

Interim relief shall be applied so as not to unduly burden the complainant (and the target of the alleged conduct, if different from the complainant). Except in very limited circumstances, the interim relief shall be applied to the alleged harasser, rather than the complainant or the target of the conduct.

18.5 Resolution and Disciplinary Action

If it is determined in a Final Report that harassing conduct occurred, the following will apply.

The CD or DMO (whoever is serving as the lead) shall convene a meeting with the CD, the DMO, Staff from OCFO/ACM, OGC, and Region, to jointly concur on the appropriate preventative, and/or corrective, and/or disciplinary action. If one of these parties is the offender, they will be replaced with their supervisor or, in case the offender is the DMO, an alternative Contracting Officer. The DMO (or alternative Contracting Officer) shall implement the disciplinary or contracting action in accordance with the procedures found in the Overseas Contracting Handbook's Chapter on Personal Services Contracts or Supplies/Services Contracts.

The severity and frequency of harassing conduct shall be considered when determining the level of preventive and/or corrective action. More egregious harassing conduct shall merit more severe action. For example, the use of an epithet, a threat or other intimidation, or a sexual or physical assault would very likely warrant more severe action than a first-time inappropriate comment or joke.

PSCs whose actions have been found to be in violation of this policy may be provided with a Letter of Reprimand, Cure Notice, suspended without pay for up to 30 calendar days, and/or have their personal services contract terminated/ended by the Peace Corps (either through termination, non-exercise of option, or non-renewal).

Services contractors whose actions have been found to be in violation of this policy will be addressed by the Contracting Officer. This may include a request that the services contractor appropriately discipline their employee, transfer of the offender to another role that does not include direct contact with Peace Corps staff, removal of the offender from providing further services to the Peace Corps under the contract, and/or termination of the contract in full or in part by the Peace Corps.

PART C
COMPLAINTS INVOLVING CONDUCT REPORTED BY VOLUNTEERS
AGAINST PEACE CORPS STAFF

19.0 Agency Responses to Complaints by Volunteers

19.1 Complaints against U.S. Citizen Staff Members

For allegations of harassment, including sexual harassment, where the target is a Volunteer and the alleged harasser is a U.S. citizen Staff member, follow the procedures set forth in Part A to the extent applicable.

19.2 Complaints against Non-U.S. Citizen Staff Members

For allegations of harassment, including sexual harassment, where the target is a Volunteer and the alleged harasser is a non-U.S. citizen Staff member, follow the procedures set forth in Part B to the extent applicable.