

JAN 14 2009



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

MEMORANDUM FOR All NIST Employees

From: Patrick Gallagher
Deputy Director

A handwritten signature in black ink, appearing to read "Patrick Gallagher".

Subject: To Reaffirm NIST's Zero Tolerance Policy Regarding Harassment

It is NIST policy to provide a workplace free from any form of harassment, discrimination, and related acts of reprisal. Harassment is a violation of Federal law and Department of Commerce policy prohibiting employment discrimination. Harassment may include discrimination based upon sex (including sexual harassment), race, color, religion, national origin, age (40 years and over), disability (mental and physical), and sexual orientation.

Harassment is a form of discrimination that can include unwelcome, unsolicited, persistent, pervasive, verbal or non-verbal, and/or physical conduct that has the purpose or effect of creating or contributing to an intimidating, hostile, or offensive work environment; unreasonably interfering with work performance; or negatively affecting employment opportunities. Harassment tends to be an offense of a repetitive nature although one incident may constitute harassment if sufficiently serious. Activities that could be considered harassment may include, but are not limited to, derogatory or suggestive comments which are offensive in nature and disruptive and counter-productive to the NIST work environment. Slurs, gestures, and offensive posters, cartoons, pictures, and or drawings may be offensive and determined to be a form of harassment.

NIST managers and supervisors must take proactive preventive measures to discourage harassment in the workplace and to clearly communicate NIST's policy of "Zero Tolerance" of harassment. They must take immediate action to stop reported harassment and appropriately deal with the parties involved. They also must immediately report the allegation, in writing, to the NIST Human Resources Management Division, Chief Client Services to ensure proper documentation and action. NIST employees found to have engaged in harassment will be subject to disciplinary action up to and including removal from the Federal service.

Individuals are strongly encouraged to report all incidents of alleged harassment, both incidents personally experienced and those witnessed, to their supervisors. If a supervisor is involved in the harassment or has not acted on previous reports of harassment, employees should raise the matter with someone higher in their management chain. An employee can also initiate a complaint by contacting a NIST EEO Counselor within 45 calendar days of the alleged incident. Incidents of harassment also may be reported to the NIST Human Resources Management Division, Chief Client Services, the Department of Commerce's Office of Inspector General, or the Office of Special Counsel.

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