



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S. C. 114(n)), this directive, and all related Handbook, Attachments, and Appendices establish Transportation Security Administration (TSA) policy and must be applied accordingly.

REVISION: This revised directive supersedes TSA MD 1100.73-3, *Prevention and Elimination of Sexual Harassment in the Workplace*, dated May 28, 2014.

SUMMARY OF CHANGES: The scope of this directive has been broadened to cover additional bases of harassment. Sections 3, 4, 5, and 6 were updated accordingly.

1. **PURPOSE:** This directive provides TSA anti-harassment policy and procedures for promptly addressing and reporting allegations of harassment that occur in the workplace.
2. **SCOPE:** This directive applies to all TSA organizational elements, all TSA employees, and all contractors.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
 - B. Department of Homeland Security Directive No. 256-01, Revision 01, “Anti-Harassment Directive”
 - C. Equal Employment Opportunity Commission Management Directive 715, “Federal Responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act” (October 1, 2003)
4. **DEFINITIONS:** See [TSA Handbook 1100.73-3, Anti-Harassment Program](#).
5. **RESPONSIBILITIES:**
 - A. The Office of Human Capital is responsible for:
 - (1) Developing and managing human capital policies, handbooks, and programs regarding the prevention of harassment in the workplace;
 - (2) Designating an Anti-Harassment Coordinator;
 - (3) Providing direction and authority in the development, implementation, and management of TSA’s Anti-Harassment Program; and

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(4) Administering the Employee Assistance Program (EAP) which offers confidential counseling, information, and other assistance to help employees with difficult personal situations, including crisis management, stress, and workplace issues.

B. The Office of Civil Rights & Liberties, Ombudsman, and Traveler Engagement (CRL-OTE) is responsible for:

(1) Civil Rights Division (CRD):

(a) Administering TSA's Equal Employment Opportunity (EEO) program, including the processing of complaints of discrimination by TSA employees, applicants for employment, or former employees; and

(b) Providing guidance and assistance to managers and employees regarding the identification, prevention, and elimination of harassment in the workplace.

(2) Ombudsman Division (OMB):

(a) Providing a confidential (as appropriate), independent, neutral, and informal venue for all TSA employees to raise and resolve workplace issues without fear of retaliation; and

(b) Assisting employees by facilitating communication, identifying options, and providing coaching to help resolve conflicts in the workplace.

C. The Office of Inspection (OOI) is responsible for:

(1) Conducting criminal and administrative investigations based on allegations of egregious employee misconduct, fraud, waste, or abuse;

(2) Conducting administrative investigations based on allegations of harassment involving management officials senior-level employees, and law enforcement employees, as indicated in Sections G.1 and G.2 of the accompanying handbook. OOI may conduct an investigation or refer the matter for management to appoint fact-finders to conduct an inquiry in coordination with the Anti-Harassment Coordinator; and

(3) Conducting initial and recurrent TSA administrative inquiry training for fact-finders in consultation with the Office of Training and Development (OTD).

D. The Office of the Chief Counsel is responsible for providing legal advice regarding this directive.

E. The Anti-Harassment Coordinator (AHC) is responsible for:

(1) Assisting TSA managers, supervisors, and employees in complying with the procedures outlined in this directive;

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- (2) Serving as a point of contact and facilitator for all fact-finding inquiries regarding allegations of harassment and ensuring that all reported incidents of harassment are handled in a timely manner;
- (3) Notifying the appropriate management official upon learning about an incident of harassment;
- (4) Providing guidance to employees on the harassment inquiry process and, if appropriate, providing information about the EEO complaint process; e.g., [Know Your Rights and Responsibilities](#) brochure;

NOTE: The AHC will not encourage or discourage an individual from filing a complaint or grievance on any matter.

- (5) Maintaining oversight and control of fact-finding reports and memoranda; and
- (6) Maintaining oversight and control of anti-harassment program data and documentation, as applicable.

F. All supervisors and managers are responsible for:

- (1) Maintaining a work environment in which harassment is not tolerated and taking proactive measures to prevent harassment;
- (2) Completing the annual TSA-approved training on harassment prevention;
- (3) Timely reporting and investigating allegations of harassment. When becoming aware of an allegation of harassment, management must notify the AHC of the allegation and coordinate fact-finding efforts in accordance with this policy and the accompanying handbook;
- (4) Investigating any allegation of harassment, as assigned. Upon receiving an allegation of harassment, management must take immediate action to mitigate the alleged behavior and implement corrective measures to prevent recurrence. Management will document their actions and report them to the AHC in a timely manner and in accordance with the accompanying handbook to this directive;
- (5) Contacting the Workplace Violence Prevention Coordinator in accordance with [TSA MD 2800.12, Workplace Violence Prevention Program](#), and, if appropriate, OOI or law enforcement authorities, if the incident of harassment involves: (a) any act or attempted act of physical aggression or harm by any employee or against an employee; or (b) threats, either overt or implied, to commit an act of physical aggression or harm at the workplace;
- (6) Ensuring that employees are not retaliated against for reporting harassment, opposing harassment, or participating in a harassment inquiry or investigation. Management officials may not seek discipline against any employee for bypassing a management official in the employee's chain of supervision to report a complaint of harassment; and

- (7) Ensuring the confidentiality of the individuals involved in a harassment inquiry or investigation, to the extent possible.

NOTE: Anonymity or confidentiality cannot be promised as information may be disclosed as allegations are investigated and adjudicated.

G. All TSA employees and contractors are responsible for:

- (1) Avoiding behavior that has the effect of creating an intimidating, hostile, offensive, or abusive work environment for other employees, contractors, or the public. Employees who engage in such prohibited behavior may be subject to corrective, disciplinary, or adverse action, up to and including removal;
- (2) Reporting allegations of inappropriate conduct that they have experienced or witnessed, to include harassment, to the attention of their manager or supervisor, higher-level management official, the AHC, or other entities as described in Section E of the accompanying handbook. An employee may also bring concerns to any manager or supervisor in the organization, as all managers and supervisors share a responsibility to ensure a harassment-free working environment;
- (3) Cooperating fully with inquiries regarding complaints of alleged harassment; and
- (4) Refraining from engagement of any intimidating, retaliatory, or demeaning conduct against the affected person.

6. POLICY:

- A. TSA is committed to maintaining a work environment free from harassing behavior for all of its employees. Prohibited harassment includes, but is not limited to, unwelcome conduct, whether verbal, nonverbal, or physical, that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile environment as a result of the individual's race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, protected genetic information, marital status, parental status, political affiliation, participation in protected activity, or any other basis protected by law.
- B. This directive prohibits harassment by, or of any employee, supervisor, manager, contractor, vendor, applicant, or other individual with whom TSA employees come into contact by virtue of their work for TSA. Sexual harassment is a form of prohibited harassment and is also covered by this directive.
- C. Examples of the types of unwelcome conduct prohibited by this directive may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Acts of physical violence, and actual, implied, or veiled threats of violence, are forms of prohibited harassment. Any form or manner of threatening or provoking remarks or threatening gestures in the workplace is prohibited. TSA prohibits harassment even if it does not rise to the level of actionable harassment under the law.

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- D. To maintain an environment free of harassing behavior, every manager and supervisor must be personally committed to, and held responsible for, professional and appropriate treatment of all TSA personnel and every individual in the workplace. To this end, it is TSA's policy to maintain a workplace free of harassment.

NOTE: Supervisors and managers who were aware of alleged harassing behavior and failed to address the behavior in accordance with this policy may be subject to corrective, disciplinary, or adverse action, if appropriate.

- E. Regardless of whether conduct rises to the level of harassment that may be actionable under the law, TSA may consider inappropriate comments and behavior to be misconduct, which will not be tolerated. Although a single utterance or act may not be severe enough to constitute unlawful harassment in violation of the law, such conduct will not be tolerated by TSA.
- F. Reporting harassment via the procedures outlined in this directive and the accompanying handbook does not constitute initiation of the EEO complaint process pursuant to Title 29, Code of Federal Regulations, Part 1614, a grievance under TSA's Unitary Dispute Resolution System, or a Merit Systems Protection Board appeal or complaint. If the affected person elects to file a complaint of discrimination, he or she must do so by contacting CRD within 45 days of the alleged harassment. Reporting the matter to TSA management officials does not satisfy the requirement to contact an EEO counselor within the 45-day period.

NOTE: Managers and supervisors are required to follow the procedures set forth in this directive regardless of an employee's participation in another complaint process.

- 7. PROCEDURES:** See [TSA Handbook 1100.73-3, *Anti-Harassment Program*](#).

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

August 14, 2017

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

August 26, 2017

Date

Distribution: Administrator, Deputy Administrator, Assistant Administrators, Chief Counsel, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Division Directors, Administrative Officers, and Human Resources Specialists

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