


**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Anti-Harassment Policy**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	PRD
Number	3716.01
Date	March 19, 2026

Summary of Changes

<i>Program Statement Rescinded:</i> <ul style="list-style-type: none">3713.32 CN-1, Bureau of Prisons Anti-Harassment Policy (2/19/2025)
<i>Changes:</i> <ul style="list-style-type: none">Removes all references to Master Agreement and Union Officials.Removes Attachment A, Anti-Harassment Guidelines.Adds a requirement of an annual anti-harassment committee report.Updates program statement number to 3716.01.Changes this program statement's name from Bureau of Prisons Anti-Harassment Policy to Anti-Harassment Policy.

1. PURPOSE AND SCOPE

It is the policy of the Bureau of Prisons (Bureau) to take the necessary steps to prevent all forms of harassment, both sexual and non-sexual. The Bureau is committed to providing a safe and professional environment for all staff free from discrimination, harassment including sexual harassment, and retaliation for reporting harassment. The Bureau treats every incident seriously and will promptly investigate all allegations of harassment.

In accordance with U.S. Department of Justice Order 1207, Reporting and Responding to Sexual Misconduct, “[a]ll Department staff and contractors are strictly prohibited from engaging in sexual misconduct towards anyone with whom they interact in connection with their job and from retaliating against others for reporting sexual misconduct or participating in the complaint or response process.” The term sexual misconduct encompasses any inappropriate behavior of a sexual nature, including, but not limited to, sexual harassment. Any staff member found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment and, when appropriate, may be prosecuted in accordance with federal law. Any

violation by contractors or their personnel may lead to termination of the contract or other appropriate contractual remedies. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. Retaliating against a staff member for making such a complaint is a violation of federal law.

Not all harassment amounts to a violation of the Equal Employment Opportunity (EEO) laws. Generally, harassment must be severe or pervasive to constitute a violation of law. The Bureau, however, prohibits not only unlawful harassment but all harassing conduct in the interest of stopping harassment before it becomes a violation of EEO laws. This program statement applies to all Bureau staff.

a. **Program Objectives.**

- Bureau staff work in an environment free from harassing conduct and intimidation from all staff (regardless of position), contract workers, and inmates.
- Staff who make claims of harassing conduct or provide information related to such claims be protected against any further harassing conduct or retaliation.
- Staff who fail to comply with the terms of this program statement be referred to the Office of Internal Affairs (OIA) pursuant to the Program Statement **Standards of Employee Conduct**.

b. **Institution Supplement.** None.

2. DEFINITIONS

For the purposes of this program statement, the following definitions apply:

a. **Bullying.** An unwanted action that is offensive, abusive, intimidating, malicious, insulting, or an abuse of power conducted by an individual or group of staff towards a staff member (or group of staff); which is intended to make the recipient feel upset, threatened, humiliated, degraded, or vulnerable, or which undermines the staff members self-confidence or creates a risk to their health or safety. Examples of bullying include but are not limited to:

- Physical attack, assault, or coercive behavior.
- Insulting or threatening gestures.
- Manipulation of the victim's reputation by rumor, gossip, ridicule, or innuendo.
- Preventing the victim from speaking by using aggressive, obscene, or intimidating language.
- Aggressive behavior or shouting.
- Unwarranted or disproportionate criticism of an individual's work performance that is unsupported by facts.
- Damaging and/or destroying personal or government property.

- Offensive use of social media.

b. **Harassment.** Bullying or any unwelcome verbal, non-verbal, or physical conduct when such behavior either unreasonably interferes with a staff member's work performance, and/or creates an intimidating, hostile, or offensive work environment. Any staff or non-staff member in the workplace might commit this type of harassment. The victim can be any staff affected by the conduct, not just the individual to whom the offensive conduct is directed. Examples of harassing conduct include but are not limited to:

- A display of a racial or ethnic nature, such as gestures, pictures, drawings, or objects that would offend a particular racial or ethnic group.
- Comments regarding skin color, race, or other racial/ethnic characteristics.
- Disparaging remarks about a person's sex, age, religious beliefs (or lack of religious beliefs).
- Expressing negative stereotypes regarding a person's birthplace or ancestry.
- Derogatory or intimidating references about a person's actual or perceived mental or physical disability.
- Negative or disparaging comments about or references to a person's actual or perceived sexual orientation.
- Disparaging remarks and offensive language.

c. **Cease and Desist Letter.** A letter or document issued to an individual to stop alleged illegal and prohibited activity.

d. **Corrective Action.** Action taken by management to stop the harassing conduct.

e. **Prompt/Promptly.** With little or no delay; immediately.

f. **Reprisal/Retaliation.** Taking or threatening to take unjustified employment action against a protected staff member.

g. **Quid-Pro-Quo.** A favor or advantage granted or expected in return for something; favors in return for some type of job benefit, such as a raise, better hours, promotion, etc., or to avoid some type of detriment such as a pay cut, demotion, poor performance review, etc.

h. **Sexual Harassment.** As defined by federal regulation, unwelcome sexual advances, requests for sexual favors, and other communication or physical contact of a sexual nature constitutes sexual harassment when:

- Submission to such conduct is made a term or condition of employment, either explicitly or implicitly.

- Submission to or rejection of such conduct by a staff member is used as the basis for employment decisions affecting such staff member.
- Such conduct has the purpose or effect of unreasonably interfering with a staff members work performance.
- Such conduct is sufficiently severe or pervasive to create an intimidating, hostile, or offensive working environment.
- Quid-Pro-Quo harassment.

3. UNDERSTANDING AND IDENTIFYING SEXUAL HARASSMENT

It is important to note sexual harassment may occur between persons of the same or different sexes or sexual orientation and third parties may also be the victims of a hostile or offensive working environment because of communications or conduct not specifically directed at or involving them. Anyone, including Bureau staff, inmates, vendors, contractors, or visitors who sexually harasses another, will be reprimanded in accordance with this program statement and the Program Statement **Standards of Employee Conduct**. All sexual harassment is prohibited whether it takes place on or off Bureau grounds, including social events, business trips, training sessions, or conferences. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

a. **Physical conduct.** This includes:

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching.
- Physical violence, including sexual assault.
- Sexual advances.
- Exposing oneself or performing sexual acts upon oneself.

b. **Verbal conduct.** This includes:

- Inappropriate comments on a worker's appearance and/or sex.
- Sexual comments, stories, fantasies, jokes, and questions about sexual preferences.
- Repeated and unwanted invitations for dates or physical intimacy.
- Sexually explicit messages.
- The use of job-related threats or rewards to solicit sexual favors and sexual advances.

c. **Non-verbal conduct.** This includes:

- Displaying or sharing of sexually explicit or suggestive material (screen savers, images of a sexual nature).
- Sexually suggestive gestures.
- Sexually explicit messages.

- Whistling.
- Leering.

4. PROCEDURES AND RESPONSIBILITIES

a. **Responsibilities Applicable to All Bureau Staff.** Each staff member is responsible for conducting themselves in accordance with the Program Statement **Standards of Employee Conduct**, refraining from any harassing conduct, and becoming familiar with and complying with the provisions of this program statement.

b. **Responsibilities of Supervisors and Management Officials.** Supervisors and managers are responsible for:

- Preventing harassing conduct in the workplace from all staff, contract workers, and inmates.
- Acting promptly and appropriately to prevent retaliation and harassment against those who are subjected to and/or report harassing conduct.
- Reporting to the Chief Executive Officer (CEO) or other appropriate authority, including but not limited to, their immediate supervisor, the Office of Internal Affairs (OIA) the Office of Inspector General (OIG), Management Officials, EEO Counselors, and/or Ombudsman, any incident of harassing conduct they witness, observe, or is otherwise brought to their attention in accordance with Section 5d of this program statement.
- Maintaining confidentiality of individual complaints brought to their attention consistent with the other provisions of this program statement. Information about reported incidents should be disclosed only to those with a legitimate need to know.
- Not subjecting individuals to retaliation for bringing issues forward.
- Providing prompt, interim relief, when necessary, to alleged victims of harassing conduct to ensure further misconduct does not occur. To the greatest extent practical, the concerns of the alleged victim and any adverse impact on them will be taken into consideration. If interim relief is provided, the relief will be provided until the investigation/review is concluded, at which point a determination of final relief will be made. If the supervisor or management official does not have the authority to provide the relief, if any is necessary, they must refer the matter to the appropriate management official.
- Promptly initiating appropriate corrective and disciplinary action, up to and including removal, against staff who are found to have engaged in harassing conduct, or who have not carried out their responsibilities under this program statement, in accordance with all applicable laws and the Program Statement **Standards of Employee Conduct**.

c. **Responsibilities of the Bureau EEO Office.** The Bureau EEO Office is responsible for:

- Providing anti-harassment training to ensure all staff are informed of this program statement and procedures to follow when reporting harassing conduct.

- Providing anti-harassment training to supervisors and managers. This training can include but is not limited to civil treatment training and training in response to adverse decisions.
- Training will explain the various types of conduct that violate this program statement, the potential liability the Bureau faces when this program statement is violated, the responsibilities of supervisors and managers when they learn of alleged harassing conduct, and the prohibition against harassing conduct.
- Receiving and reporting allegations of harassing conduct, presented pursuant to this program statement to OIA.
- Providing technical assistance as requested.

d. **Reporting Harassing Conduct.** The Bureau cannot correct harassing conduct if the conduct is unknown.

Any Bureau staff who believe they have been the subject of an incident of harassing conduct in violation of this program statement is required to report this matter, in writing or orally, to any supervisor, management official, and/or OIA. Reports involving contractors or their personnel must be directed to the contracting officer.

Staff who believe they have been subjected to discrimination must abide by the timeframes in the Program Statement **Discrimination and Retaliation Complaints Processing** if they wish to pursue those avenues for redress. If there is a delay in reporting harassment in accordance with the Program Statement **Standards of Employee Conduct**, it is recommended consideration be extended to reporting parties given the traumatic nature of harassment.

e. **Responding to Allegations of Harassing Conduct.** A supervisor, management official, or contracting officer who receives an allegation of or witnesses harassing conduct must:

- Speak with the relevant parties to conduct a limited inquiry. The alleged harasser may be asked, but is not required, to provide information, verbally or in writing.
- Consider the privacy concerns of the alleged victim. Discussions about the alleged harassment should be conducted in a private area, when possible.
- Take prompt corrective action to stop any harassing conduct and prevent further harassing conduct while the allegations are being investigated, including granting appropriate interim relief, when necessary, to the alleged victim. If the supervisor or management official does not have the authority to provide appropriate corrective action or interim relief, they will refer the matter to the appropriate management official. Any corrective action taken by the CEO against the alleged harasser must be consistent with applicable laws, rules, and regulations. The range of possible corrective actions and/or responses will be determined by the CEO. These corrective actions and/or responses may include, but are not limited to, issuance of cease-and-desist letters, schedule changes, the reassignment of the alleged harasser to another job within the work site or removing the alleged harasser from the work site pending resolution of the matter.

- Recognize each allegation of harassment is unique. Accordingly, the corrective actions and/or responses must be tailored to address the particular facts of the situation. The issuance of cease-and-desist letters must be used appropriately. When two staff members might both be at fault or acting inappropriately, it would be reasonable to consider issuing cease-and-desist letters to both individuals. In cases where there has been a report of one-sided harassment, the alleged victim will not be issued a cease-and-desist letter.
- Considering the concerns of the alleged victim when determining corrective actions and/or responses.
- Determining if a threat assessment is needed in accordance with the Program Statement **Workplace Violence Prevention, Staff**.
- Promptly conducting a thorough and impartial investigation of harassment allegations.

f. **Confidentiality.** All information is maintained on a confidential basis to the greatest extent possible. The maintenance of records and any disclosures of information from these records must be in full compliance with the Privacy Act, 5 U.S.C. § 552a. To carry out the intent of this program statement, however, such information may have to be disclosed to OIA, or to those officials and staff within the Bureau with a “need to know”, to include but not limited to, members of the Anti-Harassment Committee.

5. ANTI-HARASSMENT COMMITTEE

a. **Commencement of committee.** The CEO makes a judgment regarding the level of harassment posed by the Bureau staff member(s) in question and determines what action is necessary to protect staff and the work site. For serious or questionable incidents, or if the CEO deems it necessary, they may convene an Anti-Harassment Committee to assist in making this judgment. The process utilized by the CEO in determining whether to convene the Anti-Harassment Committee will be fair and equitable as much as the circumstances surrounding each case are similar, with the goal of being consistent. The Anti-Harassment Committee Guidelines are available on the PRD/EEO page of the Bureau’s intranet site.

Alleged perpetrators or alleged victims may be asked, but are not required, to provide information, verbally or in writing, as part of the Anti-Harassment Committee process.

b. **Committee composition.** The Anti-Harassment Committee’s composition may vary depending on the incident. At the discretion of the CEO, the following staff may be considered as potential committee members:

- local Executive Staff,
- Supervisory Correctional Services staff,
- the department head who supervises the staff in question,
- attorney or paralegal,
- mental health professional, and

- the Human Resource Manager.

If the CEO determines a conflict or potential conflict arises from the appointment of an individual Anti-Harassment Committee member, that committee member will be replaced to ensure and protect the integrity of the anti-harassment process.

c. **Staff Notification.** If a committee is convened, the individual accused of the alleged harassment is informed in writing of the specific actions the Agency requires them to take. If possible, this will be communicated in person. At a minimum, they are instructed to cease the alleged harassment and reminded such behavior is prohibited and will not be tolerated.

d. **Confidentiality.** All parties possessing copies of the reported allegation or documentation which result from or contain recommendations made by the Anti-Harassment Committee must safeguard them from loss or unauthorized disclosure.

e. **Other Responses.** Consistent with this program statement the range of possible actions is left to the judgement of the CEO. These options may include, but are not limited to, the reassignment of the staff member to another job within the work site or removing the staff member from the work site pending resolution of the matter. Pending further investigation into such cases, the CEO considers limited/restricted access for any individuals involved in alleged harassment before denying access to Bureau property.

f. **Anti-Harassment Committee Reporting.** Annually, the Program Review Division will initiate a data call to all Assistant and Regional Directors requesting the number of Anti-Harassment Committees formed during that fiscal year and the outcome for each. No documentation or specific information such as names will be reported.

REFERENCES

Program Statements

Standards of Employee Conduct
Discrimination and Retaliation Complaints Processing
Workplace Violence Prevention, Staff

Federal Statutes

5 U.S.C. § 552a, The Privacy Act of 1974

Other References

DOJ Order 1207, Reporting and Responding to Sexual Misconduct

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-1C-09, 5-ACI-1C-22, 5-ACI-1D-10, 5-ACI-1D-12, 5-ACI-1D-13

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-7C-02, 5-ALDF-7B-05, 5-ALDF-7B-10, 5-ALDF-7B-11

Standards for the Administration of Correctional Agencies, 2nd Edition: 2-CO-1C-11, 2-CO-1C-24, 2-CO-1D-05

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.