

Memorandum



Subject DEA Administrator's Statement on Prohibiting Harassment (DFN: 060-1)	Date DEC 20 2021
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To
All Employees

From
Anne M. Milgram
Administrator

A handwritten signature in blue ink, appearing to read "Anne M. Milgram", written over a circular stamp.

The Drug Enforcement Administration (DEA) is committed to ensuring that its workplaces are free of all forms of harassment. DEA's anti-harassment policy applies to DEA's physical office spaces, to employees while teleworking, and any other situations where there is a nexus to DEA and an impact on the workplace. The obligation to act in a professional and non-harassing manner extends to everyone in our workplace and by every means of communication – by phone, in person, by email, or over social media. Every DEA employee is responsible for ensuring that the workplace is free from all forms of harassment and safe for all employees, contractors, and visitors.

DEA will not tolerate offensive conduct that occurs on the job or in a work-related setting, including conduct based on race, color, religion, sex (including sexual orientation, gender identity, pregnancy), national origin, age, disability (mental or physical), genetic information (including family medical history), parental status, political affiliation, military service or any other non-merit based factor. DEA leaders will also ensure that no employee is subjected to retaliation for reporting an allegation of harassment or assisting in any inquiry about such allegations. DEA treats harassing conduct as misconduct, even when it does not rise to the level of actionable harassment under the Federal laws that prohibit job discrimination (see [DEA Standards of Conduct](#) for more information).

Definition of Harassment, including Sexual Harassment

Harassment is defined as any unwelcome verbal or physical conduct, or visual displays that explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment. Harassment based on race, color, religion, sex (including sexual orientation, gender identity, pregnancy, and childbirth), national origin, age, disability (mental or physical), genetic information, marital status, political affiliation, or reprisal for protected activity is unlawful.

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: 1) the acceptance of a sexual advance or request for a sexual favor is explicitly or implicitly made a term or condition of an individual's employment, 2) acceptance of a sexual advance or the rejection of the conduct is used as a basis for an employment decision affecting the individual, or 3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, and is carried out by a supervisor or a co-worker. Both victim and the harasser can be either a woman or a man, and the

victim and harasser can be the same sex. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Reporting Harassment or Harassing Behavior

Any employee who believes they are or have been subjected to harassment, including sexual harassment, should immediately report the incident to at least one of the following:

- A supervisor or higher level manager within your division, region, laboratory, or office;
- The Office of Professional Responsibility (OPR) at (571) 776-2614;
- The Department of Justice, Office of the Inspector General (OIG) at (800) 869-4499; or
- The EEO Office at (202) 307-8888.

To the extent appropriate, allegations presented to these offices will be kept confidential. OPR reviews allegations of misconduct, including harassment and conducts investigations thoroughly and as expeditiously as possible – usually within 180 days or less. Employees who want to pursue a claim of unlawful harassment based on discrimination must contact the EEO Office (202-307-8888) or an EEO counselor within 45 calendar days of the alleged harassing conduct to preserve their legal rights. Information provided to EEO Staff or EEO Counselors will be kept confidential to the extent it is possible and appropriate to do so.

Duties of Executive, Managers and Supervisors

DEA executives, managers, and supervisors are expected to maintain high standards of professional conduct, ensuring that their employees are not subjected to employee misconduct, such as harassment. Every executive, manager, and supervisor must take immediate action to address allegations of harassment, eliminate harassment in a prompt manner, and hold accountable those who engage in harassing conduct. They are also required to report misconduct to OPR. In addition, executives, managers, and supervisors must be unbiased and not retaliate against employees who report harassing conduct, were victim of harassing behavior, or participate in inquiries about such a report.

Discipline for Harassment and Aggravating Factors in Sexual Harassment Claims

Corrective action against any DEA employee who engages in harassment will be immediate. Where appropriate, the Chief Inspector, the Chair of the Board of Professional Conduct, and managers each have authority to place employees on limited duty when they are under investigation for serious misconduct including harassing conduct. Substantiated allegations of harassment, including sexual harassment or misconduct, will be treated seriously. Formal discipline in those cases where misconduct is substantiated could include dismissal. Disciplinary action will also be taken against supervisors and managers who either condone or fail to act promptly to report or correct harassing conduct brought to their attention.

Resources for Victims of Harassment

Victims of harassment may contact the Employee Assistance Program (EAP) – a free, voluntary, and confidential program – that provides employees and immediate family with help for personal and work-related problems. EAP services may be requested through the EAP Helpline at (800) 275-7460 (General Consultation) or through the DEA Command Center (Emergency Situation): 202-307-4228.

Conclusion

As DEA Administrator, I encourage employees to share any concerns they might have and to feel confident that those concerns will be addressed. Together, we will create a safe, respectful, and harassment-free work environment in all our offices.