



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

September 30, 2025

MEMORANDUM TO ALL U.S. INTERNATIONAL TRADE COMMISSION EMPLOYEES

FROM: The Chair

SUBJECT: Anti-Harassment Policy Statement

RULE NUMBER: PM02.03-DI01.02-0000-2025¹

Our Commitment. The U.S. International Trade Commission is committed to maintaining a workplace that fosters mutual trust and respect, and that inspires employees, contractors, volunteers, visitors, interns, and stakeholders to fully engage and perform to their optimum potential, free from harassing behaviors. Therefore, the Commission will not tolerate harassment of any kind.

Harassment undermines the integrity of the employment relationship and interferes with work productivity. The Commission will take appropriate action to prevent harassment in the workplace and correct harassing behavior, before it becomes severe or pervasive. Consequently, harassing behavior by a Commission employee does not need to rise to the level of unlawful harassment for it to constitute actionable misconduct.

Section I of this policy addresses unlawful harassment, as well as harassment against a protected category of employees, even before that conduct has become severe or pervasive and therefore unlawful. Other forms of harassment, not involving a protected category of employees, are addressed in Section II of this policy.²

¹ This Policy Statement supersedes PM02.02-DI01.02-0000-2025, "Anti-Harassment Policy Statement."

² The U.S. Equal Employment Opportunity Commission (EEOC) reviewed this Policy Statement. Specifically, in a letter dated September 23, 2025, the EEOC informed the USITC that this Policy Statement complies with EEOC guidance.

I. Unlawful Harassment and Harassment Against a Protected Category of Employee

Procedures and Responsibilities. The Director of the Office of Human Resources is authorized to develop a Handbook, consistent with the requirements of USITC Directive DI03.03-0000-2025, "System of Internal Rules," setting forth the procedures required and assigning all necessary responsibilities to implement the policies and processes described below.

Unlawful Harassment. Unlawful harassment is any unwelcome verbal, non-verbal, or physical conduct based on protected categories that include "race, color, religion, sex, national origin, age, disability, genetic information, or pregnancy, childbirth, or related medical conditions," see 29 C.F.R. § 1614.101 (a). Harassment based on prior participation in the equal employment opportunity (EEO) process (retaliation) or any other process to enforce the federal anti-discrimination laws is unlawful.

Additionally, protected categories under this policy include harassment based on parental status, marital status, and political beliefs.³

Unlawful harassment occurs when, as a consequence of the unwelcome conduct, based upon one or more of the protected categories, either:

- an employee actually suffers a personal loss or harm with regard to a term, privilege, or condition of employment; or
- the conduct can reasonably be considered severe or pervasive, thereby creating an intimidating, hostile, or offensive work environment.

Conduct constituting unlawful harassment may involve written, verbal, electronic communications, physical gestures or contact, images, or objects. It also includes slurs, derogatory or disrespectful remarks, spreading rumors, swearing, jokes, obscenities, incessant teasing, expressing or insinuating threats, threatened assault, hitting, punching, other unwanted touching, and malicious or insulting gestures.

Bullying conduct may also constitute unlawful harassment when it involves, among other things, threats, hate messages, intimidation, or otherwise inappropriate or unacceptable language intended to humiliate or demean an individual or group of individuals.

Sexual Harassment. Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

³ Executive Order 13152 prohibits discrimination in federal sector employment based on a person's status as parent. Marital status and political affiliation are among the protected categories covered under the Civil Service Reform Act of 1978, as amended.

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's job, pay, or career; or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
- Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive environment.

Retaliation. The Commission prohibits any retaliation against an employee who reports a concern about workplace harassment or other inappropriate behavior, who acts as a witness, or who assists in any inquiry about such a report.

Reporting and Filing Complaints and Grievances on Harassment. Employees may report harassment, file an EEO complaint on harassment, or submit a grievance on harassment, as follows:

1. Reporting Harassment

All Commission employees are strongly encouraged to report harassing behavior to a supervisor, management official, Office of the Inspector General, the Director, Office of Human Resources (OHR), or to the official designated by the Director, OHR, as the agency's Anti-Harassment Coordinator. In matters involving contractors, employees may also report harassment to a contracting officer's representative (COR). Employees may submit reports in person, in writing (via email or otherwise), or over the phone.

Confidentiality of Reports of Harassment. The confidentiality of individuals reporting harassment, as well as the information underlying the report, shall be preserved to the extent possible. In effect, confidential information should be shared only with those persons with a "need to know" during the course of the investigation and in response to the reported conduct, including taking appropriate steps to prevent further harassing conduct.

Obligation of supervisors, CORs, and management officials: Having received a report involving harassment, or otherwise having personal knowledge of allegations or conduct involving harassment, supervisors, CORs, and management officials must immediately notify the Director, OHR, or the agency's Anti-Harassment Coordinator, of the allegations. "Immediate" means within 48 hours of receipt or knowledge absent extenuating circumstances. Failure of a supervisor, COR, or management official to immediately report harassment under this paragraph may result in corrective action, including discipline.

All supervisors and managers must set the tone for a positive and professional work environment, and act promptly to prevent or cease reported or observed incidents of

harassment.

Review and Investigation of Reported Harassment: The agency official designated to receive reports of alleged harassment at the USITC is the Anti-Harassment Coordinator. Within 10 calendar days of notification or awareness of alleged harassment, the Anti-Harassment Coordinator will initiate a prompt, thorough, and impartial investigation of the alleged event(s).

The Anti-Harassment Coordinator's investigation may consist of witness interviews and review of any written or electronic information about the alleged harassment. At the completion of a review or investigation, the Anti-Harassment Coordinator will forward a written report to an appropriate management official who will determine if harassment occurred, and whether to propose corrective action. However, in some instances, prompt intervening action may be warranted in advance of receiving the written report, to prevent further harassment. Such action may include changing the work location of the alleged harasser or victim.

Corrective Action: Immediate and appropriate corrective action will be taken when the agency determines that harassment or other improper conduct by an employee has occurred. The appropriate corrective action shall be decided by the applicable supervisors and managers, up to and including disciplinary action in accordance with USITC Directive 4504.0 (Personnel Disciplinary and Adverse Action).

2. Filing an EEO Complaint on Discriminatory (Unlawful) Harassment.

To initiate EEO complaint procedures for unlawful harassment, contact the Office Equal Employment Opportunity within forty-five (45) calendar days of the most recent incident of the alleged discrimination, in accordance with 29 C.F.R. § 1614.105(a)(1).

After receiving written notice from the Office of Equal Employment Opportunity of the right to file a formal EEO complaint, an employee's election to proceed under Equal Employment Opportunity Commission complaint processing is initiated by the timely filing of a formal EEO complaint, and forecloses proceeding on the same matter under negotiated grievance procedures. However, the Anti-Harassment Coordinator will investigate all reports of harassment irrespective of whether the alleged victim files an EEO complaint on the same matter.

3. For Bargaining-Unit Members – Filing a Negotiated Grievance

For employees in the bargaining unit, file a written grievance within thirty (30) calendar days after the incident of alleged harassment or within thirty (30) calendar days after the employee became aware of the incident of alleged harassment, in accordance with Article XVII of the 2016 Agreement between the U.S. International Trade Commission and the American Federation of Government Employees.

An election to proceed under a negotiated grievance procedure is indicated by the filing of a timely written grievance (Step 2 grievance); such an election forecloses proceeding under EEO complaint processing on the same matter. However, the Anti-Harassment Coordinator will investigate all reports of harassment irrespective of whether the alleged victim files a grievance on the same matter.

Bargaining-unit employees may contact their union representative at any time regarding discrimination or harassment.

4. For Non-Bargaining Unit Employees – Filing an Administrative Grievance

For employees not in the bargaining unit, file a written grievance within ten (10) business days after the incident of the alleged harassment or within ten (10) business days after the employee became aware of the incident of the alleged harassment, in accordance with Section 5 of USITC Directive 4506.1, “Administrative Grievance Procedure.” However, the Anti-Harassment Coordinator will investigate all claims of harassment irrespective of whether the alleged victim files an administrative grievance on the same matter.⁴

II. Other Forms of Harassment

Other forms of harassment, not involving a protected category of employees, prohibited by this policy are as follows: behavior that is unwelcome or offensive to a reasonable person and that interferes with work performance or creates an intimidating, hostile, or offensive work environment.

All allegations of harassment must be evaluated under the totality of the circumstances, to include an assessment of the nature of the conduct and the context in which the conduct occurred. Depending on the circumstances, certain behavior may constitute harassment after only one instance of such behavior or repeated instances of such behavior may be necessary to constitute harassment.

Other forms of harassment will be addressed through the Commission’s process for handling employee misconduct. See USITC Directive 4504.0, “Disciplinary and Adverse Action.”

⁴ Negotiated and administrative grievance procedures also apply with respect to other matters others, including other forms of harassment. See Article XVII of the 2016 Agreement between the U.S. International Trade Commission and the American Federation of Government Employees; Section 5 of USITC Directive 4506.1, “Administrative Grievance Procedure.”

Employees are encouraged to report other forms of harassment to a supervisor or Office Director.



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Amy A. Karpel
Chair
U.S. International Trade Commission