

National Oceanic and Atmospheric Administration	NOAA Administrative Order 202-1106	
NOAA ADMINISTRATIVE ORDER SERIES	DATE OF ISSUANCE February 26, 2018	EFFECTIVE DATE February 26, 2018
SUBJECT NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy		

SECTION 1. PURPOSE.

The National Oceanic and Atmospheric Administration (NOAA) is committed to providing a workplace free from sexual assault and sexual harassment. The purpose of this Order is to provide guidance to managers, supervisors, employees, contractor employees, and affiliates on sexual assault and sexual harassment. This order establishes processes to encourage employees to come forward when such incidents occur, define the resources available to those involved, and institute a sexual assault and sexual harassment prevention program within NOAA. The procedures established in this Order are distinct from the equal employment opportunity (EEO) programs of NOAA and the Department of Commerce (DOC), which focus on developing EEO and civil rights policies and processes and adjudicating complaints of discrimination against the Agency. Instead, this Order establishes the process for reviewing allegations of sexual assault and sexual harassment, ensuring that such incidents are prevented or, if they occur, reported to the appropriate authorities, and that, where necessary, disciplinary or legal action is taken against the perpetrator.

SECTION 2. SCOPE.

.01 This Order covers incidents and allegations of sexual assault and sexual harassment, and applies to all NOAA employees. The provisions of this Order apply at all times whether on or off NOAA premises, including telework sites, and during related travel, at conferences, in the field, on shore, in the air, or at sea. NOAA shall ensure that each contract, grant, and cooperative agreement it enters into for the use of a vessel has a provision that subjects that vessel’s crew to this Order. NOAA, through its Acquisitions and Grants Office, will develop language to incorporate the terms of this Order, as appropriate and permissible by law, into future contracts, grants, and cooperative agreements for application to NOAA contractor employees and affiliates.

.02 This Order was developed in accordance with requirements of the National Defense Authorization Act for Fiscal Year 2017 (Public Law–114-328), Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration, 33 U.S.C. 894. This Order is effective immediately for non-bargaining unit employees, and will go into effect for bargaining unit employees upon completion of collective bargaining obligations and in accordance with bargaining unit agreements.

SECTION 3. POLICY.

.01 It is the policy of NOAA to maintain a work environment free from sexual assault and sexual harassment. This Order prohibits sexual assault and sexual harassment by or of any employee, supervisor, or manager, at NOAA. This Policy applies to unwanted behaviors even if those behaviors do not rise to a level that is actionable under the law.

SECTION 4. DEFINITIONS.

.01 Sexual Harassment - As defined by the Equal Employment Opportunity Commission, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when any of the following are true:

- a. Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used for employment decisions affecting such individual;
- c. The conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

The main characteristics of sexual harassment are that the harasser's conduct is targeted against the recipient's sex, gender identity, or sexual orientation, and is unwelcome to the recipient. It may include, but is not limited to: offensive jokes, slurs, epithets or name calling, undue attention, physical assaults or threats, unwelcome touching or contact, intimidation, ridicule or mockery, insults or put-downs, constant or unwelcome questions about an individual's identity, and offensive objects or pictures.

.02 Sexual Assault – The term sexual assault means any conduct by any person that proscribed by state or federal sexual abuse laws, including, but not limited to, those defined in chapter 109A of title 18 of the U.S. Code (sexual abuse). Specifically, a person is committing sexual assault when they:

- a. Cause another person to engage in a sexual act by threatening or placing that other person in fear; or
- b. Engage in a sexual act with another person if that other person is:
 - i. incapable of appraising the nature of the conduct; or
 - ii. physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act.

.03 Employee – This term refers to all federal employees including members of NOAA's commissioned officer corps and wage mariners.

.04 Contractor Employees - refers to employees of the prime contractor or its subcontractors, affiliates, consultants, or team members.

.05 Affiliate – This term includes, but is not limited to, fellows, interns, scientists, cooperative institute members, grant recipients, and cooperative agreement recipients who work in support of NOAA or whose work is funded by NOAA.

SECTION 5. PREVENTION, TRAINING, AND AWARENESS.

.01 NOAA's Workplace Violence Program Manager (see Section 8.01) shall develop a comprehensive sexual assault and sexual harassment prevention program within NOAA that emphasizes a no-tolerance culture and encourages all employees to report instances of sexual assault or sexual harassment immediately to a supervisor or appropriate authority, as described in Section 6 of this Order. Elements of this prevention program shall include, but not be limited to:

- a. Extensive internal engagement and training across the Agency, with a specific focus on:
 - i. Mandatory annual training for NOAA leadership that emphasizes recognizing, preventing, and responding to reports of sexual assault and sexual harassment;
 - ii. Mandatory annual training for all employees that includes specific steps for how to prevent and report sexual assault and sexual harassment, and training on drug and alcohol awareness in the workplace;
 - iii. Mandatory training for all new employees and supervisors that ensures they receive a copy of this Order and are familiar with the Agency's sexual assault and sexual harassment prevention programs; and
 - iv. Mandatory training requirements for contractor employees and affiliates which will be addressed within their contract, grant, or cooperative agreement.
- b. A speaker series that invites experts, nationally known figures, victims, and others to engage with NOAA employees on issues of sexual assault and sexual harassment;
- c. Regular website, e-mail, and social media broadcasts that bring awareness of sexual assault and sexual harassment issues to employees, contractor employees, and affiliates, encourage reporting of such incidents, and identify resources available to victims;
- d. Ensuring awareness of the resources available to victims and observers of sexual assault or sexual harassment (see Section 8), including by placing materials online and at workforce management and civil rights offices throughout the organization;
- e. Other educational and preventative measures as necessary, including surveys of employee perceptions, regular risk assessments to expose security gaps, and regular, periodic review of the scope and content of this Order.

.02 Heads of NOAA Line and Staff Offices and their managers and supervisors are responsible for ensuring that all individuals under their lines of authority are familiar with and comply with the prevention program established under 5.01 and all other aspects of this Order.

SECTION 6. REPORTING INCIDENTS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT

.01 Responsibilities of Employees to Report - Employees who observe or are the object of sexual harassment or a sexual assault are highly encouraged to report the matter as soon as possible to an appropriate official. Swift reporting allows appropriate law enforcement authorities and the Agency to take measures to ensure that offensive behavior stops, the complainant's needs are addressed, and offenders are disciplined. Employees who observe or are subject to sexual harassment or a sexual assault may report such incidents in a variety of ways, including, but not limited, to:

- Appropriate law enforcement authority, as needed;
- Their immediate supervisor;
- Their second-level supervisor, or any other NOAA or Department of Commerce supervisor, including one outside of their chain of command (i.e. Line or Staff Office);
- The NOAA Workforce Management Office's Workforce Relations Division;
- The NOAA Civil Rights Office;
- Line Office EEO and Diversity Program Managers;
- A Regional Marine and Aviation Center Sexual Harassment/EEO Collateral Duty Specialist;
- The Workplace Violence Program Manager (See Section 8.01); or
- A Victim Advocate Liaison (See Section 8.01).

The responsibilities of each of these parties are outlined, in Sections 6.03 through 6.07.

- a. Mandatory Investigation -- Employees should understand that pursuant to this Order, as well as DAO-202-955, any reported allegations of sexual assault and sexual harassment may be subject to investigation and reported to law enforcement authorities when necessary. This procedure ensures that harassment or assault of any form is stopped immediately, victim rights are preserved, and potential criminal matters are reported to the appropriate authorities for further action. If an employee merely wishes to discuss an incident, whether work related or not, and not initiate an investigation, he or she may utilize the resources provided by the Sexual Assault/Sexual Harassment (SASH) Helpline (see Section 8.02), as well as other employee help organizations (see Section 8.03).
- b. Relationship to the EEO Complaint Process
 - i. The sexual assault/sexual harassment reporting process established through this Order is separate and distinct from the EEO complaint process. The EEO complaint process is designed to allow for investigations into allegations of discrimination, with the ultimate goal of providing relief to victims of illegal discrimination. As a result of an EEO investigation, employees affected by discriminatory practices may be entitled to compensation through the assessment of damage awards and equitable relief against an agency, but relief cannot include discipline to

the offender. In contrast, the sexual assault/sexual harassment reporting process established by this Order is designed to encourage and empower employees subject to workplace sexual assault and sexual harassment to come forward, and to require managers to take immediate and appropriate corrective action to stop abusive conduct including, if necessary, through the use of disciplinary action.

- ii. The EEO complaint process and the sexual assault/sexual harassment reporting process outlined in this Order are not mutually exclusive, and an employee may participate in both processes simultaneously. It is important to note that reporting alleged misconduct through the sexual assault/sexual harassment reporting process will not automatically initiate the EEO complaint process: an employee must independently contact the NOAA Civil Rights Office (CRO) within 45 days of the date of the alleged harassing event to initiate an EEO complaint. Conversely, when the Civil Rights Office receives an allegation of sexual harassment or sexual assault, it will contact the Workforce Management Office's Workforce Relations Division (WRD) to initiate the sexual assault/sexual harassment reporting process outlined in this Order consistent with DAO 202-955.

.02 Reports by contractor employees and affiliates -- Contractor employees and affiliates who observe or are subject to sexual assault or sexual harassment may report such incidents in accordance with the reporting avenues spelled out within their contract, grant, or cooperative agreement, as applicable.

.03 Reports to Supervisors -- When an employee reports an incident of sexual assault or sexual harassment to a supervisor, the supervisor shall:

- a. Immediately assess the situation and ensure the safety of the employee, with a particular focus on determining whether action must be taken to limit or eliminate contact between the employee and the alleged offender, in accordance with Section 9;
- b. Notify the employee of resources and support services for victims, including the Workplace Violence and Prevention Program Manager (see Section 8.01), Victim Advocate Liaisons (see Section 8.01), the SASH Helpline (see Section 8.02), and the Employee Assistance Program (EAP) (see Section 8.03);
- c. Inform the employee that pursuant to this Order there is an obligation to report the incident to the Workforce Relations Division (WRD) of the NOAA Workforce Management Office (WFMO) for possible investigation;
- d. Inform the employee that the report may be anonymous and that every effort will be made to maintain confidentiality, but that anonymity cannot be guaranteed, particularly where the safety of other employees or the public is at risk (see Section 7);
- e. Notify the employee that filing an EEO complaint alleging sexual harassment and reporting an allegation of sexual harassment pursuant to this Order are separate processes and that to preserve EEO rights the employee must make initial contact

- with the Civil Rights Office (CRO) within 45 days from the date of the alleged harassing event;
- f. In the case of a sexual harassment claim, immediately report the incident, in writing, to WRD and CRO so that if appropriate an internal investigation may be initiated;
 - g. In the case of a sexual assault claim:
 - i. In an emergency or if immediate assistance is needed, call 911, or contact the appropriate servicing regional security office, Federal Protective Services, or other local or federal law enforcement authorities, and as soon as practicable thereafter report the incident to WRD;
 - ii. Otherwise, immediately report the incident to WRD, which will coordinate with the Department of Commerce Office of Security and local or federal law enforcement authorities for any necessary investigation, and work with the NOAA Workplace Violence Program Manager to assign a Victim Advocate Liaison to assist the employee (see Section 8.01);
 - h. If there are questions concerning who to contact or what actions to take, consult with a WRD representative, the Workplace Violence Program Manager (see Section 8.01), a Victim Advocate Liaison (see Section 8.01), or the Office of General Counsel.

In circumstances where the alleged harasser is the immediate supervisor, these actions may be completed by the second-line supervisor, another responsible official in their chain of command (i.e. Line or Staff Office), or any other supervisor in the organization.

.04 Reports to NOAA's Workforce Relations Division (WRD) -- If an employee contacts WRD to report an allegation of sexual assault or sexual harassment, WRD shall:

- a. Immediately assess the situation and ensure the safety of the employee, with a particular focus on determining whether action must be taken to limit or eliminate contact between the employee and the alleged offender, in accordance with Section 9;
- b. Notify the employee of resources and support services for victims, including the Workplace Violence and Prevention Program Manager (see Section 8.01), Victim Advocate Liaisons (see Section 8.01), the Sexual Assault/Sexual Harassment (SASH) website Helpline (see Section 8.02), and the Employee Assistance Program (EAP) (see Section 8.03); and
- c. Inform the employee that the report may be anonymous and that every effort will be made to maintain confidentiality, but that maintaining anonymity may potentially affect the Agency's ability to conduct a thorough investigation and take appropriate action, and anonymity cannot be guaranteed, particularly where the safety of other employees or the public is at risk (see Section 7);
- d. Notify the employee that filing an EEO complaint alleging sexual harassment and reporting an allegation of sexual harassment pursuant to this Order are separate processes and that to preserve EEO rights the employee must make initial contact with the Civil Rights Office within 45 days from the date of the alleged harassing event;

- e. In the case of a sexual harassment claim:
 - i. Contact the employee's immediate supervisor or the second line supervisor if the reported allegation is against the immediate supervisor, so that the responsibilities listed in section 6.02 may be fulfilled;
 - ii. Initiate an investigation, if required, following procedures established pursuant to DAO 202-955.
- f. In the case of a sexual assault claim:
 - i. In an emergency or if immediate assistance is needed, call 911, or contact the Department of Commerce Office of Security, appropriate servicing regional security office, Federal Protective Services, or other local or federal law enforcement authorities;
 - ii. Otherwise, coordinate with the Department of Commerce Office of Security and local or federal law enforcement authorities for any necessary criminal investigation;
 - iii. Assign the Workforce Violence Program Manager or a Victim Advocate Liaison to assist the employee (see Section 8.01).
- g. In consultation with the Department of Commerce Office of Security and any law enforcement officials conducting a criminal investigation, conduct an investigation in accordance with the procedures set forth in Section 5.05 of DAO-202-955; or in the case where such matters are referred to a NOAA Line or Staff Office for investigation, assist that Line or Staff Office with the investigative process. Per DAO 202-955, at the conclusion of a WRD investigation, WRD will issue a report to the appropriate management officials of the office where the incident occurred. Based on information collected during the course of the investigation, the report will include a determination of whether sexual assault or sexual harassment occurred. Where an inquiry results in a determination that misconduct has occurred, corrective action, including initiating disciplinary or adverse action if appropriate, shall be taken by management in consultation with WRD and the Department of Commerce Office of the General Counsel, consistent with Section 11 of this Order.

.05 Reports to the NOAA Civil Rights Office (CRO) -- If an employee contacts CRO to report an allegation of sexual assault or sexual harassment, CRO shall:

- a. Immediately assess the situation and ensure the safety of the employee, with a particular focus on determining whether action must be taken to limit or eliminate contact between the employee and the alleged offender, in accordance with Section 9;
- b. Notify the employee of resources and support services for victims, including the Workplace Violence and Prevention Program Manager (see Section 8.01), Victim Advocate Liaisons (see Section 8.01), the SASH Helpline (see Section 8.02), and the Employee Assistance Program (EAP) (see Section 8.03);
- c. Inform the employee that the complaint may be anonymous and that every effort will be made to maintain confidentiality, but that anonymity cannot be guaranteed, particularly where the safety of other employees or the public is at risk (see Section 7);

- d. Notify the employee that filing an EEO complaint alleging sexual harassment and reporting an allegation of sexual harassment pursuant to this Order are separate processes and that to preserve EEO rights the employee must make initial contact with CRO within 45 days from the date of the alleged harassing event;
- e. Contact the employee's immediate supervisor, or the second line supervisor if the reported allegation is against the immediate supervisor, so that the responsibilities listed in section 6.02 may be fulfilled;
- f. In the case of a sexual harassment claim, immediately report the incident, in writing, to the NOAA Workforce Relations Division (WRD) so that if appropriate an internal investigation may be initiated;
- g. In the case of a sexual assault claim:
 - i. In an emergency or if immediate assistance is needed, call 911, or contact the appropriate servicing regional security office, Federal Protective Services, or other local or federal law enforcement authorities, and as soon as practicable thereafter report the incident to WRD;
 - ii. Otherwise, immediately report the incident to WRD, which will coordinate with the Department of Commerce Office of Security and local or federal law enforcement authorities for any necessary investigation, and work with the NOAA Workplace Violence Program Manager to assign a Victim Advocate Liaison to assist the employee (see Section 8.01).

.06 Reports to the Workplace Violence Program Manager, a NOAA Victim Advocate Liaison, a Line Office EEO and Diversity Program Manager, or a Regional or Marine and Aviation Center Sexual Harassment/EEO Collateral Duty Specialist – If an employee contacts the Workplace Violence Program Manager (see Section 8.01), a NOAA Victim Advocate Liaison (see Section 8.01), a Line Office EEO and Diversity Program Manager, or a Regional/Marine and Aviation Center Sexual Harassment/EEO Collateral Duty Specialist, that person shall:

- a. Immediately assess the situation to ensure the safety of the employee, with a particular focus on determining whether action must be taken to limit or eliminate contact between the employee and the alleged offender, in accordance with Section 9;
- b. Provide victim services in line with their responsibilities, including notifying the employee of resources and support services for victims, including the Workplace Violence and Prevention Program Manager (see Section 8.01), Victim Advocate Liaisons (if the report is not to a Victim Advocate Liaison), the SASH Helpline (see Section 8.02), and the Employee Assistance Program (EAP) (see Section 8.03);
- c. Inform the employee that the report may be anonymous and that every effort will be made to maintain confidentiality, but that anonymity cannot be guaranteed, particularly where the safety of other employees or the public is at risk (see Section 7);
- d. Notify the employee that filing an EEO complaint alleging sexual harassment and reporting an allegation of sexual harassment pursuant to this Order are separate processes and that to preserve EEO rights the employee must make initial contact with the Civil Rights Office (CRO) within 45 days from the date of the alleged harassing event;

- e. Contact the employee's immediate supervisor or the second line supervisor if the reported allegation is against the immediate supervisor, so that the responsibilities listed in section 6.02 may be fulfilled;
- f. In the case of a sexual harassment claim, immediately report the incident, in writing, to the NOAA Workforce Relations Division (WRD) and the CRO so that if appropriate an internal investigation may be initiated;
- g. In the case of a sexual assault claim:
 - i. In an emergency or if immediate assistance is needed, call 911, or contact the appropriate servicing regional security office, Federal Protective Services, or other local or federal law enforcement authorities, and as soon as practicable thereafter report the incident to WRD;
 - ii. Otherwise, immediately report the incident to WRD, which will coordinate with the Department of Commerce Office of Security and local or federal law enforcement authorities for any necessary investigation, and work with the NOAA Workplace Violence Program Manager to assign a Victim Advocate Liaison to assist the employee (see Section 8.01);

.07 Reporting from Remote Locations -- To ensure employees working on assignments in remote locations, such as at sea or in the field (at a field camp or other isolated location) are fully aware of this Order, prior to departure, all employees must receive a briefing on the parameters of this Order and a copy of the Order in writing. The organizer of the assignment must document completion of the briefing to all participants.

- a. **Reports of Sexual Assault or Sexual Harassment Aboard NOAA Vessels at Sea**
 - i. Allegations of sexual assault or sexual harassment aboard NOAA vessels at sea should be reported to: (1) the vessel's Commanding Officer (CO) or the vessel's Executive Officer (XO), who shall follow the same requirements outlined in Section 6.02 of this Order (Reporting Requirements of Supervisors); or (2) another party listed in Section 6 of this Order via use of any available ship communication device. If it is not practicable to make an immediate report, as outlined in Section 6, the CO or XO must evaluate the circumstances to ensure that any misconduct has stopped, the complainant is safe, any evidence is secured, initial witness statements are recorded, and the alleged offender is not in a position to do additional harm, until such time as the matter may be reported and investigated through appropriate channels.
 - ii. The CO or XO shall permit the complainant to use any communication device available (including satellite telephone, e-mail, or other means) to contact the SASH Helpline (as outlined in Section 8.02), EAP, a Marine and Aviation Center Sexual Harassment/EEO Collateral Duty Specialist, or to file a report with any of the parties listed in Section 6.
- b. **Reports of Sexual Assault or Sexual Harassment aboard Contract and Commercial Vessels, Including Aircraft**
 - i. Allegations of sexual assault or sexual harassment aboard NOAA contracted or commercial vessels with NOAA personnel aboard at sea or

- in the air should be reported to: (1) the senior-most NOAA manager or other appropriate manager aboard, who shall follow the same requirements outlined in Section 6.02 of this Order (Reporting Requirements of Supervisors); or (2) another party listed in Section 6 of this Order via use of any available communication device. If it is not practicable to make an immediate report, as outlined in Section 6, the senior-most NOAA manager or other appropriate manager aboard must evaluate the circumstances and ensure that any misconduct has stopped, the complainant is safe, any evidence is secured, initial witness statements are recorded, and the alleged offender is not in a position to do additional harm, until such time as the matter may be reported and investigated through appropriate channels.
- ii. The senior-most NOAA manager or other appropriate manager aboard shall permit the complainant to use any communications device available (including satellite telephone, e-mail, or other means) to call the SASH Helpline (as outlined in Section 8.02), EAP, a Marine and Aviation Center Sexual Harassment/EEO Collateral Duty Specialist, or to file a report with on the parties listed in Section 6.
- c. **Reports of Sexual Assault or Sexual Harassment in the Field**
- i. Allegations of sexual assault and sexual harassment in the field (at a field camp or other remote location) should be reported to: (1) the senior-most NOAA manager or other appropriate manager at the site, who shall follow the same requirements outlined in Section 6.02 (Reporting Requirements of Supervisors); or (2) any other party listed in Section 6 of this Order via any available communication device. If it is not practicable to make an immediate report, as outlined in Section 6, the senior-most NOAA manager or other appropriate manager at the site must evaluate the circumstances and ensure that any misconduct has stopped, the complainant is safe, any evidence is secured, initial witness statements are recorded, and the alleged offender is not in a position to do additional harm, until such time as the matter may be reported and investigated through appropriate channels.
 - ii. The senior-most NOAA manager or other appropriate manager at the site shall permit the complainant to use any communication device available (including satellite telephone, e-mail, or other means) to call the SASH Helpline (as outlined in Section 8.02), EAP, a Marine and Aviation Center Sexual Harassment/EEO Collateral Duty Specialist, or to file a report with any of the parties listed in Section 6.

SECTION 7. CONFIDENTIALITY AND ANONYMITY.

.01 Confidentiality – Any party receiving information from the report of an alleged sexual assault or sexual harassment, or while performing an investigation into such an allegation, shall keep the information confidential. “Confidentiality” means that the information shall only be shared with others who have a need to know the information to conduct their official duties. This may, but does not necessarily, include management officials, investigators, employee and

labor relations specialists, and legal counsel. Any employee who shares or discloses information pertaining to an allegation or investigation of sexual assault or sexual harassment to an individual who does not have a need to know, or to the public, may be subject to discipline in accordance with Section 11 of this Order.

.02 Anonymity – The anonymity of an individual alleging sexual assault or sexual harassment cannot be guaranteed. An individual may request to make an anonymous report, and every effort will be made to protect the individual’s identity. However, it is often difficult to conceal the identity of an individual during an investigation because of the circumstances and nature of the allegations. Moreover, anonymity cannot be guaranteed where the safety of other employees or the public is at risk (where, for example, there is an allegation of a sexual assault, and the alleged offender is still at large). If an employee wants to ensure anonymity and does not want to initiate an investigation but still wishes to discuss an incident, whether work related or not, he or she may utilize the resources provided by the SASH Helpline (see Section 8.02), as well as other employee help organizations (see Section 8.03).

SECTION 8. RESOURCES AVAILABLE TO VICTIMS OF SEXUAL ASSAULT OR SEXUAL HARASSMENT

.01 Advocates for Victims of Sexual Assault

- a. The NOAA Workforce Management Office shall create the position of Workplace Violence Program Manager, which shall be filled by a professional Victim Advocate – a skilled social scientist trained in matters related to workplace and workplace-related violence, and specifically sexual harassment and sexual assault. The Program Manager’s primary duties shall include, but not be limited to:
 - i. Overseeing the network of Victim Advocate Liaison positions within NOAA (see Section 8.01(b)), and ensuring that Victim Advocate Liaisons are provided with appropriate training, supervisory support, and feedback;
 - ii. Establishing a comprehensive Sexual Assault and Sexual Harassment prevention program for NOAA (see Section 5.01)
 - iii. Supporting victims of workplace and workplace-related violence, including sexual harassment and sexual assault, and informing victims of the rights and resources available to them as victims;
 - iv. Acting as a companion to a victim in navigating investigative, medical, mental, and emotional health, and recovery processes relating to sexual assault and sexual harassment; and
 - v. Helping to identify resources to ensure the safety of victims of workplace and/or workplace-related violence, including sexual harassment and sexual assault.
- b. NOAA shall establish a network of Victim Advocate Liaisons, whose role will be to support victims of workplace violence, including sexual harassment and sexual assault.
 - i. Victim Advocate Liaisons shall be full-time permanent employees of NOAA who are trained in matters related to workplace violence, including sexual harassment and sexual assault, but typically will not be professional

- victim advocates, counselors, or therapists. Each Victim Advocate Liaison will serve in this capacity on a voluntary basis as a collateral duty.
- ii. At least one Victim Advocate Liaisons shall be stationed in each NOAA region and at each NOAA Marine and Aviation Center.
 - iii. When handling victim matters, Victim Advocate Liaisons shall work under the direction of the Workplace Violence Program Manager.
 - iv. Among other responsibilities, Victim Advocate Liaisons shall:
 - (a) Provide information on a victim's rights;
 - (b) Provide information and options to victims, and help them make informed decisions for next steps and safety planning;
 - (c) Offer to contact NOAA service providers;
 - (d) Make regular follow-up phone contacts with victims to check on their welfare; and
 - (e) Advocate on behalf of victims as appropriate.

.02 Sexual Assault/Sexual Harassment (SASH) Helpline -- For all NOAA employees, affiliates, and contractor employees who have experienced sexual assault or sexual harassment, NOAA has established the NOAA Sexual Assault/Sexual Harassment (SASH) helpline. This helpline is designed to provide crisis intervention, referrals, and emotional support to all NOAA victims and/or survivors of sexual harassment or sexual assault. All NOAA employees, contractor employees, and affiliates may use the helpline to receive live, confidential, one-on-one support regardless of the place or time of an occurrence, even if an incident occurs outside of the workplace or is unrelated to work. All services are anonymous, secure, and available worldwide, 24 hours a day, seven days a week. The NOAA SASH helpline is accessible through a variety of channels, including:

- Phone: 1-866-288-6558
- Website & Online Chat: <http://NOAASASHHelpline.org>
- Mobile App: NOAA SASH Helpline (available via iOS and Android App Stores)
- Text: (202) 335-0265

.03 Additional Resources

- a. A number of public and private resources are available for victims of sexual harassment or sexual assault, including NOAA resources (such as the SASH Helpline, the Employee Assistance Program, and the NOAA Worklife4 You Program), as well as other government resources, private and public sexual violence associations and organizations, and legal resources. NOAA shall ensure that victims of workplace sexual harassment and sexual assault have easy access to these resources, by: (1) providing lists of such resources online and at workforce management and civil rights offices throughout the organization; (2) ensuring that managers and supervisors are provided access to such resources; and (3) ensuring that Victim Advocate Liaisons are provided lists of such resources and are trained to provide them to employees.
- b. **Employee Assistance Program (EAP)** — EAP is a professional counseling and referral resource that is available to assist Federal employees and their eligible family members in solving problems that may interfere with life on and off the

job. EAP is administered by the Federal Occupational Health (FOH), a component of the U.S. Public Health Service, U.S. Department of Health and Human Services. For additional information:

- Visit <http://www.wfm.noaa.gov/workplace/eap.html>
 - Call 24 hours a day, 7 days a week toll free number (800) 222-0364 or, for the hearing impaired, TTY (800) 262-7848. If the (800) number does not work at your location overseas, call collect at (314) 387-4701 and the call center will identify the country code and (800) number for that country.
- c. **NOAA WorkLife4You Program** — This program is designed to help employees and their eligible family members better manage daily responsibilities and life events. For additional information:
- Visit <http://www.WorkLife4you.com> using “noaa” (lower case) as screen name and password.
 - Call the Worklife 24 hour call center at (877) WL4-NOAA, or (800) 873-1322 for TTY/TTD service.

SECTION 9. CHANGE OF DUTY STATION

.01 In accordance with the rules set out in this Section, Supervisors may protect employees who are victims of sexual assault or sexual harassment by providing a change of station, unit transfer, or change of work location for either the victim or the alleged perpetrator.

.02 Reassignment of a Victim of Sexual Assault – Per the requirements of the National Defense Authorization Act for Fiscal Year 2017, Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration, 33 U.S.C. 894, the victim of a sexual assault may request a transfer of work station, and the Secretary of Commerce, through the Under Secretary for Oceans and Atmosphere, shall grant the request to the extent practicable, and respond to such a request in writing within 72 hours. If the change of work location request is denied, the victim may request that the Secretary review the denial, and the Secretary must respond with a written affirmation or denial within 72 hours.

.03 Reassignment of a Victim of Sexual Harassment – Voluntary reassignment of a victim of sexual harassment may be appropriate, at management’s discretion. For cases under investigation, prior to reassignment supervisors should coordinate with the appropriate investigating body (OSY, OGC, WRD, or other). Importantly, victims often do not wish to be transferred as their support system is at work and they may view a transfer as a punitive measure for reporting sexual harassment. Managers considering moving a victim’s work station without a request by or the consent of the victim must first contact the NOAA Workforce Management Office and the Department’s Office of the General Counsel, Employment and Labor Law Division. When the victim does request a change of station, the manager shall:

- a. Provide a determination within 72 hours;
- b. Accommodate, to the degree practicable, the request;
- c. If the request is denied, permit a higher-level review of the decision, upon request of the victim.

Where appropriate, other workplace flexibilities, such as telework, leave without pay, and flexible work schedules are options that a supervisor may consider to accommodate a victim of sexual harassment.

.04 Reassignment of an Alleged Perpetrator – It may be appropriate to move an alleged perpetrator of sexual assault or sexual harassment to a new duty station. Within one year of this Order, NOAA shall promulgate guidelines governing such reassignments, taking into account whether the perpetrator has access to the victim, and the due process rights of the victim and the alleged perpetrator, per the requirements of Section 104 of the National Defense Authorization Act for Fiscal Year 2017, Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration, 33 U.S.C. 894.

SECTION 10. RETALIATION.

.01 All employees, must feel safe to report instances of sexual assault and sexual harassment without fear of retaliation. Retaliation against any employee for reporting cases of sexual assault or sexual harassment, or for participating in any inquiry (e.g., serving as a witness) involving such a report pursuant to this Order is strictly prohibited.

.02 For the purposes of this Order, “retaliation” means any detrimental or negative action taken against an employee who reports or participates in an investigation of sexual harassment or sexual assault. A detrimental or negative action may include, but is not limited to: firing, disciplining, demotion, reassignment, failing to promote, failing to select for a position, reduction in pay, or a threat to take any of these actions against an employee.

.03 Any employee who feels that they have been retaliated against for reporting or participating in an investigation under this Order should immediately file a report with the NOAA Workforce Relations Division (WRD) for further investigation. If an investigation determines that retaliation occurred, the employee perpetrating the retaliation shall be subject to discipline, consistent with Section 11 of this Order.

.04 Retaliation in the context of this policy is separate and distinct from a claim of retaliation for participating in the EEO complaint process. Employees alleging retaliation for participation in the EEO complaint process must contact the NOAA Civil Rights Office (CRO) within 45 days of the alleged retaliation to initiate the EEO complaint process.

SECTION 11. DISCIPLINE.

.01 Pursuant to DAO 202-751, any NOAA employee may be subject to discipline, up to and including dismissal, if he or she is found to have: (1) engaged in sexual assault or sexual harassment; (2) refused to participate or cooperate with a sexual assault or sexual harassment investigation; (3) disclosed information relevant to a sexual assault or sexual harassment investigation to persons who do not have a need to know as defined in section 7; or (4) retaliated against another employee for participation in the processes outlined in this Order.

.02 Pursuant to DAO 202-751, disciplinary action may be taken against supervisors and managers who condone, fail to report, and/or fail to stop incidents of sexual assault or sexual harassment.

.03 If a contractor employee or affiliate is found to have engaged in sexually harassing conduct, the Contracting Officer's Representatives (COR), contracting officer, grants officer, or designee will coordinate with the authorized representative from the contracting company or grant/cooperative agreement recipient to ensure appropriate remedies are applied. The remedies will be included in the contract, grant, or cooperative agreement, as applicable.

SECTION 12. REPORTING REQUIREMENTS

.01 Sexual Harassment Reporting

On a quarterly basis, the Director of the Civil Rights Office shall submit to the Under Secretary a report on sexual harassment within NOAA. The report must include the number of new sexual harassment cases brought in the previous quarter; the number of open sexual harassment cases and how long the cases have been open; an analysis of region-specific or other trends involving sexual harassment claims; and any recommendations the Director may have for addressing sexual harassment within the Agency.

.02 Sexual Assault Reporting

No later than January 15 of each year, the Under Secretary shall draft a report on sexual assault involving employees of NOAA, for the Secretary of Commerce to submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives. The report shall include the number of alleged sexual assaults involving employees and individuals who work with or conduct business on behalf of NOAA. In addition, the report shall include a synopsis of each case and any disciplinary action taken in the case; the policies, procedures, and processes implemented by NOAA or the Department of Commerce regarding sexual assault; and a summary of the reports received under Section 6 of this Order.

SECTION 13. EFFECT ON OTHER ISSUANCES.

.01 The Under Secretary of Commerce for Oceans and Atmosphere signs because there is no Delegation of Authority for this NAO.

An electronic copy of this Order will be posted on the NOAA Office of the Chief Administrative Officer website under the NOAA Administrative Issuances Section.

A handwritten signature in blue ink, appearing to read 'T. Gallaudet', with a horizontal line extending to the right.

RDML Tim Gallaudet, Ph.D., USN Ret.
Assistant Secretary of Commerce
for Oceans and Atmosphere and
Acting Under Secretary of Commerce
for Oceans and Atmosphere

Offices of Primary Interest:

Office of the Under Secretary of Commerce for Oceans and Atmosphere
All NOAA Line and Staff Offices