



NCUA

National Credit Union Administration

Congressional Report on Notification and Federal Employee Antidiscrimination and Retaliation Act

No FEAR Act Report | Fiscal Year 2022

March 2023

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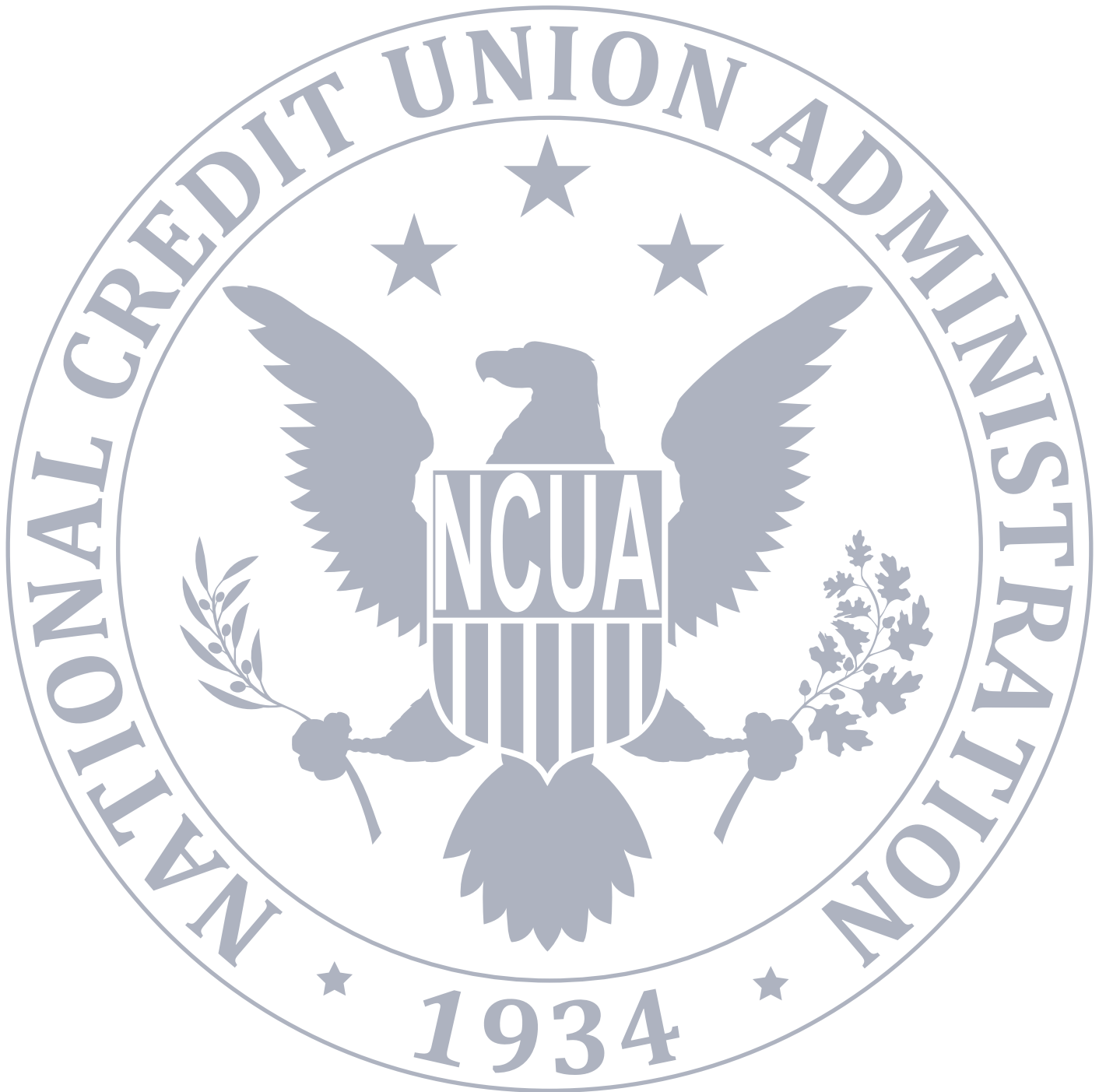


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Introduction

The National Credit Union Administration is the independent federal agency created by the U.S. Congress to regulate, charter, and supervise federal credit unions. With the backing of the full faith and credit of the United States, the NCUA operates and manages the National Credit Union Share Insurance Fund, which insures the deposits of more than 135 million credit union members in all federal credit unions and a large majority of state-chartered credit unions.¹ The NCUA also protects consumers and educates the public on consumer finance and financial literacy issues.

The NCUA values each employee and is committed to creating and sustaining an environment where they can contribute to fulfilling the agency's mission. The NCUA has zero tolerance for discrimination. The agency's policies and procedures are in line with all antidiscrimination laws and merit promotion principles.

The NCUA's [Equal Employment Opportunity \(EEO\) policy](#) prohibits discrimination based on race, color, religion, sex (including gender identity, pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability (physical and mental), or genetic information (including family medical history). The NCUA also prohibits discrimination based on political affiliation, parental and marital status, military service, or any other non-merit-based factor.

To provide a safe environment for all NCUA employees and applicants, the NCUA does not tolerate retaliation against an individual who engages in a protected activity, such as reporting discrimination or harassment, participating in the EEO process, whistleblowing, or exercising any appeal or grievance right provided by law.

The NCUA Office of Minority and Women Inclusion (OMWI) prepared this report.



¹ Data as of Dec. 31, 2022.

Background

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) went into effect on October 1, 2003.² The No FEAR Act requires federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws, and to post certain statistical data relating to federal-sector EEO complaints filed with the agency.

Section 203 of the No FEAR Act requires each federal agency to submit an annual report to Congress. Agencies must report:

- The number of federal court cases that arise under respective areas of law specified in the act in which discrimination was alleged;
- The status or disposition of cases;
- The amount of money required to be reimbursed;
- The number of employees disciplined;
- Any policies implemented related to appropriate disciplinary actions against a federal employee who discriminated against any individual or committed a prohibited personnel practice; and
- An analysis of the data collected with respect to trends, causal analysis, and other forms for analysis.

Section 203 of the No FEAR Act requires federal agencies to submit annual reports to each Congressional committee that has jurisdiction relating to the agency, and to the:

- Speaker of the House of Representatives;
- President Pro Tempore of the Senate;
- Committees on Homeland Security and Governmental Affairs of the Senate and Oversight and Accountability (formerly Government Reform) of the House of Representatives;
- Attorney General of the United States;
- Chair of the Equal Employment Opportunity Commission; and
- Director of the Office of Personnel Management (OPM).

² Public Law 107-174.

Data

1. *The number of cases in federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the federal antidiscrimination laws and whistleblower protection laws applicable to them as defined in 5 C.F.R. 724.102, in which an employee, former employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved.*
 - None
2. *(a) The status or disposition of cases described in question (1); (b) the amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in 5 C.F.R. 724.102; and (c) the amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated.*
 - (a) None
 - (b) None
 - (c) None
3. *In connection with the cases identified above, the total number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) and the specific nature of the disciplinary actions taken, separated by the provision(s) of law involved.*
 - None
4. *The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. 1614.701, and what follows.*
 - See [Appendix I](#).
5. *Whether in connection with cases in federal court, the number of employees in each fiscal year disciplined in accordance with agency policy. The specific nature—for example, a reprimand—of the disciplinary actions taken must be identified.*
 - None
6. *A detailed description of the agency's policy for taking disciplinary action against federal employees for conduct that is inconsistent with federal antidiscrimination laws and whistleblower protection laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws.*
 - The NCUA administers a discipline and adverse action program in accordance with 5 CFR Part 752. Disciplinary actions against employees for conduct that is inconsistent with federal antidiscrimination laws and whistleblower protections, or for conduct which constitutes a prohibited personnel practice, are determined based on the circumstances of each case.

7. *An analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission (EEOC) in compliance with part 1614 of title 29 of the Code of Federal Regulations) including:*
 - a) *an examination of trends;*
 - b) *causal analysis;*
 - c) *practical knowledge gained through experience; and*
 - d) *any actions planned or taken to improve the complaint or civil rights programs of the agency.*
 - Analysis provided in the [EEO Complaint Activity Analysis and Training](#) section of this report.
8. *For each fiscal year, any adjustment needed or made to the agency's budget to comply with its Judgment Fund reimbursement obligations incurred under 5 C.F.R. § 724.103.*
 - None
9. *The agency's written plan developed under 5 CFR § 724.203(a) to train its employees.*
 - The NCUA provides staff training on the No FEAR Act as directed by law and by Office of Personnel Management regulations. Every two years, the NCUA disseminates the required No FEAR Act training course in the agency's learning management system. Anti-harassment and other EEO-related training are also provided to employees, as needed, to meet the EEO training requirements.

Consistent with the NCUA's biennial training cycle, No FEAR Act training was not issued in 2022; nevertheless, the NCUA expects 100 percent of its employees will complete the training during the 2023 training cycle.

 - Pursuant to agency policy, the NCUA provides EEO training to new supervisors. The agency also makes EEO training available to all new employees following the orientation process and requires completion of the No FEAR Act training within 90 days from their hiring date. EEO information is posted in signage throughout the agency's buildings, posted on the agency's internal and external websites, and is accessible to all employees and prospective applicants for employment.



EEO Complaint Activity Analysis and Training

Trend and Causal Analysis

Four formal EEO complaints were filed in fiscal year (FY) 2022. This represents an increase in complaint activity compared to one EEO complaint filed in FY 2021. It is rare for the NCUA to receive just one complaint filing in a fiscal year.

The bases and allegations made in the complaints filed in FY 2022 are as follows:

- **Case 1:** The complainant alleged discrimination based on race (Hispanic/Latino), mental disability, and sexual orientation stating he was allegedly subjected to a hostile work environment resulting from a continuous pattern of harassment. The complainant requested a hearing before an EEOC administrative judge and ultimately accepted a settlement during the hearing stage. The complaint is now closed.
- **Case 2:** The complainant alleged discrimination based on race (African American) and sex (female) stating she was allegedly treated disparately throughout the recruitment and hiring process for a vacant position. The complainant requested a hearing before an EEOC administrative judge and received a decision of no discrimination. The complaint is now closed.
- **Case 3:** The complainant alleged discrimination based on physical disability when he was not selected for any of the 26 positions for which he interviewed. The complainant requested a hearing before an EEOC administrative judge. The complaint is pending a hearing.
- **Case 4:** The complainant alleged discrimination based on race (African American), color (Brown), and reprisal (use of parental leave) stating he was allegedly issued a mid-year performance review containing an inaccurate/false narrative describing supposed deficiencies, and was allegedly threatened with being placed on a performance improvement plan after he questioned his receipt of a lower rating on his 2021 year-end review and whether the lower rating was based on the use of parental leave. The complainant requested a hearing before an EEOC administrative judge. The complaint is pending a hearing.

Three complaints carried over into FY 2022 from prior fiscal years. The status of these complaints are:

- Two complaints were closed by settlements during the EEOC hearing stage; and
- One complaint was closed by a final agency decision.

Over the past ten fiscal years (2013–2022), the bases most frequently alleged by complainants are race discrimination (27 bases) and reprisal (21 bases), followed by age, disability, and sex discrimination (19 bases each). During FY 2022, reprisal, race, sex, color, and disability discrimination were named as bases in the complaints filed.

Management Commitment to Training

One of the NCUA's strategic priorities is creating a workplace that is inclusive, where all employees are valued and able to contribute to their fullest. The NCUA's leadership remains committed to equal employment opportunity, diversity, and inclusion. EEO and diversity and inclusion policy statements are updated and issued annually to all agency staff. Further, all managers and leaders are provided with training and are held accountable through performance measurements.

The NCUA takes numerous steps to keep staff informed of their right to initiate pre-complaint EEO counseling for discrimination allegations. EEO information is maintained throughout the agency in various formats. It is provided to staff through newsletters, emails, the agency's intranet, and online training. OMWI maintains an internal SharePoint site that provides employees access to all EEO guidance, agency instructions, and policies.

In addition, the NCUA's public website (www.NCUA.gov) contains [No FEAR Act data](#) and various EEO information including the "Know Your Rights" poster. Stakeholders can also view reasonable accommodation and EEO-related instructions and the agency's Annual EEO Policy Statement (see [Appendix II](#) for full statement).

During the onboarding process, new NCUA employees are provided a copy of the agency's EEO policy statement and information on their rights under applicable EEO laws when they receive their job offer. Posters that provide antidiscrimination and EEO counseling information are located throughout the NCUA's central and regional offices, including the Office of Human Resources (OHR).

Applicants for employment can access links to the No FEAR Act data, EEO Policy Statement, the Know Your Rights poster, the No FEAR Act Notice, reasonable accommodation procedures, and the EEO complaint process guidance from [Workplace Resolutions](#) on the NCUA's public website (www.NCUA.gov). Contact information is also provided if a job applicant needs additional support.

During the reporting period, the NCUA provided EEO training opportunities for managers and employees. All NCUA staff receive No FEAR Act training shortly after onboarding and biennially thereafter.³ NCUA examiners also receive an in-person or virtual briefing during the agency's Skills Training and Examiner Practice program. OMWI staff provide EEO and diversity training to new managers and supervisors.

³ Training is assigned in the agency learning management system, and new employees are required to take the training within 90 days of onboarding.

Program Improvements

OMWI programs provide employees with a deeper understanding of the value of diversity, equity, and inclusion in the workplace. These programs contribute to a more equitable and inclusive environment and help improve the agency's EEO program by raising awareness and reducing discriminatory practices. This section describes agency programs that improved the NCUA's complaint program in FY 2022 and how the agency plans to further improve the complaint program in FY 2023.

Improving Agency Complaint Program

Actions the agency completed in FY 2022 to improve the agency complaint program are outlined in detail in the annual OMWI Report to Congress available on the NCUA website (www.NCUA.gov). These included:

- Culture, Diversity, and Inclusion Council;
- Employee Resource Group Network;
- Special Emphasis Programs;
- Disability Solutions Desk;
- Mentorship and intern programs;
- OMWI Talks;
- External recruitment outreach; and
- Diversity, equity, inclusion, and accessibility training.

In addition to continuing and refining these actions, which are successful in creating a more inclusive environment and a workplace free of discrimination, the NCUA will also complete a barrier analysis in FY 2023. The annual OMWI Report to Congress provides additional detail about program improvements that will take place in FY 2023.



APPENDIX I: No FEAR Act Data for Fiscal Year 2022

Q1: October 1 – December 31, 2021

Q3: April 1 – June 30, 2022

Q2: January 1 – March 31, 2022

Q4: July 1 – September 30, 2022

Table data for FY 2022 quarters reflect count *as of quarter-end*; they are not cumulative.

	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Complaints Filed	6	5	5	5	1	0	3	4	4
Complainants	6	5	4	5	1	0	3	4	4
Repeat Filers	0	0	1	0	0	0	0	0	0

Basis ⁴	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Race	4	3	4	1	1	0	2	3	3
Color	1	3	2	0	0	0	0	1	1
Religion	0	0	0	0	0	0	0	0	0
Reprisal	2	2	3	3	0	0	0	1	1
Sex	3	1	3	3	1	0	2	2	2
National Origin	0	1	0	0	0	0	0	0	0
Equal Pay Act	1	0	0	0	0	0	0	0	0
Age	3	2	3	2	1	0	0	0	0
Disability	3	1	4	3	0	0	2	2	2
Non-EEO	0	0	0	1	0	0	0	0	0

⁴ Complaints may be filed alleging multiple bases. Sum of bases may not equal total complaints filed.

Issue	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Appointment/ Hire	0	0	0	0	0	0	1	1	1
Assignment of Duties	1	1	0	2	0	0	1	1	1
Awards	0	1	1	0	0	0	0	0	0
Conversion to Full-Time	0	0	0	0	0	0	0	0	0
Demotion	0	0	1	0	0	0	0	0	0
Reprimand	0	0	1	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0
Suspension	0	0	1	1	0	0	1	1	1
Other	0	0	0	1	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	2	1	2	0	0	2	3	3
Examination/ Test	0	0	0	0	0	0	0	0	0

Harassment	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Non-Sexual	0	0	2	2	0	0	1	1	1
Sexual	0	0	0	1	0	0	0	0	0
Medical Exam	0	0	0	0	0	0	0	0	0
Pay (including Overtime)	1	0	0	0	0	0	1	1	1
Promotion / Non-Selection	4	1	2	2	1	0	2	2	2

Reassignment ⁵	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Denied	0	0	0	0	0	0	1	1	1
Directed	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	2	1	1	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0
Retirement	0	1	0	0	0	0	0	0	0
Termination	1	0	0	0	0	0	0	0	0
Terms / Conditions of Employment	0	1	1	3	0	0	4	4	4
Time and Attendance	0	0	1	1	0	0	1	1	1
Training	0	0	1	0	0	0	1	1	1
Other (verbal remarks)	0	1	1	0	0	0	0	0	0

⁵ Complaints can be filed alleging multiple issues. The sum of issues may not equal total complaints filed.

Processing Time (calendar days)	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Complaints pending during fiscal year	8	13	12	12	5	3	4	5	4
Average days: investigation state	198	229	157	204	229	259	82	126	170
Average days: final action stage	0	90	0	69	0	0	0	0	0
Complaint pending during fiscal year where hearing was requested	4	8	9	9	5	3	1	1	3
Avg. days: investigation stage	245	261	238	228	229	259	160	160	186
Average days; final action stage	293	333	213	424	479	563	364	427	41
Complaint pending during fiscal year where hearing was not requested	1	2	0	1	1	1	1	1	1
Avg. days: investigation stage	166	179	0	180	202	176	176	176	176
Avg. days: final action stage	58	54	0	57	60	38	38	38	38

Dismissed by Agency	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Total complaints	0	1	0	1	0	0	0	0	0
Avg days pending before dismissal	0	90	0	69	0	0	0	0	0

Withdrawn by Complainant	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Total withdrawals	0	0	0	0	1	0	0	0	0

Total Final Actions Finding Discrimination	2017		2018		2019		2020		2021		FY 22 Q1		FY 22 Q2		FY22 Q3		FY 22 Q4	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
With Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A

Findings of Discrimination Rendered by Basis ⁶	2017		2018		2019		2020		2021		FY 22 Q1		FY 22 Q2		FY22 Q3		FY 22 Q4	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A

⁶ Complaints may be filed alleging multiple bases. The sum of bases may not equal total complaints and findings.

Findings After Hearing ⁷	2017		2018		2019		2020		2021		FY 22 Q1		FY 22 Q2		FY22 Q3		FY 22 Q4	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A

Findings Without Hearing ⁸	2017		2018		2019		2020		2021		FY 22 Q1		FY 22 Q2		FY22 Q3		FY 22 Q4	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A

⁷ Complaints may be filed alleging multiple bases. The sum of bases may not equal total complaints and findings.

⁸ Complaints may be filed alleging multiple bases. The sum of bases may not equal total complaints and findings.

Findings of Discrimination Rendered, by Issue	2017		2018		2019		2020		2021		FY 22 Q1		FY 22 Q2		FY22 Q3		FY 22 Q4	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A

Findings After Hearing	2017		2018		2019		2020		2021		FY 22 Q1		FY 22 Q2		FY22 Q3		FY 22 Q4	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A

Findings Without Hearing	2017		2018		2019		2020		2021		FY 22 Q1		FY 22 Q2		FY22 Q3		FY 22 Q4	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A

Pending Complaints Filed in Previous FY, by Status	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Total complaints	7	7	5	4	3	3	3	2	2
Total complainants	7	7	5	4	3	3	3	2	2

Previous Complaints Pending at Close of Quarter	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Investigation	0	0	0	0	0	0	0	0	0
Hearing	3	3	5	4	3	1	1	0	0
Final Action	0	0	0	0	0	0	0	0	0
Appeal with EEOC Office of Federal Operations	4	4	0	0	0	2	2	2	2

Complaint Investigations	2017	2018	2019	2020	2021	2022 Q1	2022 Q2	2022 Q3	2022 Q4
Pending complaints, where investigation exceeds required timeframe	0	1	1	0	0	0	0	0	0

APPENDIX II: Annual EEO Policy Statement

Office of the Chairman

Annual Equal Employment Opportunity Policy Statement

September 2022

The NCUA prohibits discrimination based on race, color, religion, sex (including gender identity, pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability (physical and mental), or genetic information (including family medical history). The NCUA also prohibits discrimination based on political affiliation, parental and marital status, military service, or any other non-merit-based factor.

These protections apply to all employees and applicants for employment. These protections also underlie all management practices and decisions, including recruitment, hiring practices, pay, appraisals, promotions, training, and career development programs. Consistent with these obligations, the NCUA provides reasonable accommodations to employees and applicants with disabilities and for sincerely held religious beliefs, observances, and practices.

All NCUA employees are responsible for supporting and complying with the agency's equal employment opportunity policies and instructions in their daily conduct and activities, as well as for abiding by equal opportunity laws and policies. NCUA employees or applicants who believe they have been subjected to discrimination, unlawful harassment, or retaliation should contact the NCUA's EEO Intake Line at 703-518-6325 or EEOMail@ncua.gov. Alternatively, individuals may, as appropriate, contact the Office of Special Counsel at 202-804-7000 or the Merit Systems Protection Board at 202-653-7200.

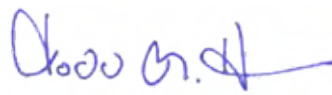
Further, the NCUA prohibits sexual harassment and harassment of all kinds. Managers and supervisors are responsible for monitoring the work environment to ensure it remains free of unlawful employment practices and to act appropriately to prevent retaliation against employees who report harassment. Managers and supervisors are additionally required to take swift action to investigate when unlawful practices are reported and to take immediate and appropriate corrective action when they occur.

All NCUA managers and supervisors also have a duty to report any such conduct to the NCUA Anti-Harassment Coordinator in the Office of Ethics Counsel at AntiHarassment@ncua.gov or by calling 703-518-6613 within three business days of any instance of harassing conduct or report of harassment. Finally, employees who experience or observe harassment should report it to any manager, supervisor, or to the Office of Ethics Counsel.

To provide a safe environment for all NCUA employees and applicants, the NCUA does not tolerate retaliation against an individual who engages in a protected activity, such as reporting discrimination or harassment, participating in the EEO process, whistleblowing, or exercising any appeal or grievance right provided by law.

In sum, equal employment opportunity is the foundation of a workplace in which all employees are treated fairly, with dignity, and with respect. At the NCUA, equal employment opportunity is at the core of who we are and how we achieve our mission. As Chairman of the National Credit Union Administration, and on behalf of the

NCUA Board, I therefore affirm the agency's commitment to a workplace free of unlawful discrimination, harassment, and retaliation.



Todd M. Harper
Chairman

APPENDIX III: Prevention of Harassment in the Workplace Instruction

NCUA



INSTRUCTION

NO. 1235.08 (REV. 2)	DATE: December 16, 2021
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SUBJ: Prevention of Harassment in the Workplace

TO: All NCUA Staff

ENCL: [NCUA Anti-Harassment Process](#)

1. **PURPOSE.** This Instruction establishes NCUA's policy on preventing harassment (including sexual harassment) in the workplace, and the procedure for employees and contractors to report harassment.
2. **CANCELLATION.** NCUA Instruction No. 1235.08 (Rev. 1) dated June 26, 2015, is canceled and should be removed from the files.
3. **BACKGROUND.** The U.S. Equal Employment Opportunity Commission (EEOC) enforces the prohibitions against employment discrimination in: a) Title VII of the Civil Rights Act of 1964; b) the Age Discrimination in Employment Act of 1967; c) Title I and Title V of the Americans with Disabilities Act of 1990; d) Sections 501 and 505 of the Rehabilitation Act of 1973; e) Title II of the Genetic Information Nondiscrimination Act of 2008; and f) The Civil Rights Act of 1991. These laws prohibit discrimination based on race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity. Other authority, including Executive Order 13152 and the Civil Service Reform Act, preclude discrimination based on parental status and political affiliation. Harassment because of an individual's membership in any of these protected bases is a form of unlawful discrimination. NCUA is committed to equal employment opportunity and a workplace free of unlawful discriminatory harassment or any other category of harassment.
4. **DEFINITIONS.**
 - A. **Employee.** All persons employed by the NCUA. For the purposes of the federal equal employment opportunity (EEO) complaint process, contractors are not generally considered NCUA employees, but they may use the NCUA antiharassment reporting process described in this Instruction.
 - B. **Harassment.** Behavior that is unwelcome or offensive to a reasonable person and that creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive environment.

Examples of Prohibited Harassing Behavior. Examples of harassing behaviors prohibited by NCUA include, but are not limited to:

- i. Epithets, slurs, or threatening, intimidating or hostile comments or acts that relate to race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity;
- ii. Written or graphic material in the workplace (or electronic circulation of that material on NCUA computer or communications systems) that denigrates or shows hostility or aversion toward an individual or group because of race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity;
- iii. Sexual harassment, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Examples of sexual harassment may include, but are not limited to: any implicit or explicit sexual conduct to influence or affect the career, pay, or job of another employee; sexually oriented comments about an individual's body or sexual prowess; sexually offensive comments, gestures, jokes, advances, physical contact, or propositions; or any display of sexually suggestive objects or pictures in the workplace.

C. **Protected Activity.** Protected activities are activities that workers may engage in, such as reporting harassment, without fear of retaliation by supervisors or employers. Protected activity includes opposition to a practice believed to be unlawful discrimination or harassment. Protected activity also includes participation in the anti-harassment process, such as filing a report of harassment or providing evidence in response to a management inquiry regarding alleged harassment.

D. **Protected Basis.** A protected basis is any of the statutorily protected characteristics which, by statute, are among those specifically designated by the statutes enforced by the EEOC, listed in the Background Section of this Instruction, above, including race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity.

5. **POLICY.** The NCUA is committed to maintaining a work environment free of harassment and correcting such conduct before it becomes severe or pervasive. The NCUA does not tolerate unlawful harassment of, or by, employees, contractors, or third parties. The NCUA does not tolerate retaliation for opposing harassment or participation in this anti-harassment process or for opposing discrimination or participation in the EEO complaint process.

A. **Scope.** This policy covers all forms of harassment, including sexual harassment, and applies to NCUA employees and contractors whether or not they are in NCUA facilities while performing their official duties. It also applies to the conduct of third parties who visit NCUA facilities and to third parties at facilities visited by NCUA employees on official NCUA business. Third parties include vendors, non-NCUA contractors, credit union officials or staff, and members of the general public.

NCUA's anti-harassment policy includes sexual harassment that may include employees' conduct outside of NCUA workspace and/or working hours, including work-related travel, because conduct between NCUA employees occurring outside of the agency's workspace or working hours may adversely impact the agency's work environment. Such conduct will be assessed for compliance with this policy on a case-by-case basis.

- B. **Protection from Retaliation.** It is unlawful for an individual to be retaliated against for filing harassment allegations, participating in the investigatory process, and any other protected activity. The NCUA will not tolerate any retaliation against an employee because they engaged in a protected activity or made allegations of harassment, witnessed harassing conduct, or provided information concerning harassment claims. The NCUA will take prompt corrective action in any situation involving retaliation. Employees should report retaliation to a supervisor or manager, a human resources specialist or advisor, an EEO specialist in the Office of Minority and Women Inclusion (OMWI), or the Anti-Harassment Coordinator in the Office of Ethics Counsel (OEC).

6. **RESPONSIBILITIES.**

- A. **Employees.** Employees must not engage in harassment. Employees are responsible for ensuring that their language and conduct is considerate of the rights and privileges of others in the conduct of their official duties. All NCUA employees and contractors are responsible for adhering to NCUA's anti-harassment policy and for cooperating fully in its enforcement, including the investigation of alleged incidents of harassment.

Employees are responsible for reporting any incident of harassment that they experience or observe, preferably before it becomes a pattern of misconduct that is pervasive and offensive, constituting a hostile work environment. Early identification and eradication of all types of harassment which detract from an efficient workplace is the responsibility of all NCUA employees.

Employees have the right to reasonably oppose harassment, and any allegedly discriminatory employment practice or decision, and to participate in NCUA's anti-harassment process, including participation as a witness when reports are filed by others, without fear of retaliation.

Individuals may choose to remain anonymous when reporting an incident of harassment or participating as a witness in this process. Anonymity may, however, limit the ability of the NCUA to conduct an effective inquiry. In addition, as an employer NCUA may be required to disclose certain information to individuals who have an official need to know due to the nature of the allegations, or to third parties as required by law or regulation.

- B. **Supervisors and Managers.** As employees, supervisors and managers must not engage in harassment. They are responsible for ensuring that the NCUA workplace is free of harassment and meets the requirements of this anti-harassment policy, including all federal anti-discrimination policies and directives. Supervisors must monitor the work environment to ensure compliance with this policy.

All supervisors and managers are responsible for acting promptly and appropriately to prevent harassment in the workplace when they observe harassing conduct or are otherwise made aware of such conduct. They are responsible for acting appropriately to prevent retaliation against those who report harassment.

When an employee reports alleged harassment to a supervisor or manager, management is obligated to ensure that the allegation is promptly addressed and investigated, regardless of whether the report conforms to a particular format or is made in writing.

Supervisors or managers must promptly (within three business days) notify the Anti-Harassment Coordinator in the OEC (see Procedures for Resolving Reports of Harassment, below) about any incident of harassment that they witness or that is otherwise brought to their attention. When further investigation is necessary, management may be required to take interim measures, such as modifying work assignments or work locations, to ensure that alleged harassment ceases promptly and does not recur. If it is determined that harassment has occurred, supervisors and managers have a duty to take corrective or disciplinary action, in consultation with the appropriate officials, which include the Anti-Harassment Coordinator, and may also include the Office of Minority and Women Inclusion (OMWI) when EEO issues are raised, the Office of Human Resources (OHR) when disciplinary actions, employee counseling, or other HR actions are required, and the Office of General Counsel when legal issues arise.

- C. **Office of the Inspector General**. All harassment allegations against an NCUA employee brought by a person who is not an NCUA employee (e.g., credit union employee, credit union vendor), will be referred to the Office of the Inspector General for a decision on whether to open an investigation. Rather than opening an investigation, the OIG may refer harassment allegations to the Anti-Harassment Coordinator to address. In circumstances involving harassment of or by an NCUA contractor under OIG's contracting authority, OIG will review relevant contracts in consultation with the OEC for potential remedies to identify immediate and appropriate corrective action.
- D. **Office of General Counsel (OGC)**. The Office of General Counsel will provide legal advice, as needed. In circumstances involving harassment of or by an NCUA contractor under OGC's contracting authority, OGC will review relevant contracts in consultation with the Office of the Chief Ethics Counsel or Anti-Harassment Coordinator for potential remedies to identify immediate and appropriate corrective action.
- E. **Office of Human Resources (OHR)**. The Office of Human Resources will provide advice on human resources (personnel) matters.
- F. **Office of Ethics Counsel (OEC)**. The Office of Ethics Counsel will publicize anti-harassment policy and procedures throughout the agency, to ensure that NCUA employees are aware of their rights and responsibilities, including the appropriate procedures to follow and to report harassment or retaliation pursuant to this Instruction. All harassment allegations brought by an NCUA employee or NCUA contractor will be referred to the Anti-Harassment Program in OEC, as set forth in Section 7

(Procedures for Resolving Reports of Harassment) below. The Anti-Harassment Coordinator in the OEC will:

- Conduct intake and monitor all such allegations;
- Conduct an initial examination of each report of harassment to determine an immediate and appropriate response, in consultation with the Human Resources Office, the Office of General Counsel, EEO officials in OMWI, and appropriate agency managers and supervisors, as needed;
- Conduct a management inquiry into allegations of harassment when necessary to determine whether harassment has occurred and recommend appropriate corrective action;
- Receive and review all Anti-Harassment Program management inquiry investigative reports produced, whether by NCUA personnel or contract investigators, and in consultation with OHR, OGC, and EEO officials in OMWI, as needed, determine whether harassment has occurred and whether to recommend corrective action;
- To the greatest extent possible, ensure the confidentiality of matters referred to the Anti-Harassment Program, consistent with law and regulation;
- Maintain and track information on the number of allegations referred to the Anti-Harassment Program, the bases for the allegations, and corrective actions taken; and
- Develop and deliver training and technical assistance on NCUA's Anti-Harassment policies and procedures, including training for all employees, supervisors and managers on their rights and responsibilities in this process. Provide periodic training for managers and supervisors. Incorporate these policies and procedures into employee orientation materials and consult with the regional offices on their education and awareness efforts regarding anti-harassment.

The Chief Ethics Counsel or the Anti-Harassment Coordinator will also refer all reports involving non-employees to the Office of the Inspector General for consideration.

- G. **Office of Minority and Women Inclusion (OMWI)**. OMWI will provide advice on EEO matters and inform OEC of all EEO counseling activity where harassment is alleged.
- H. **Office of Chief Financial Officer (OCFO) and Asset Management and Assistance Center (AMAC)**. In circumstances involving harassment of or by an NCUA contractor, OCFO or AMAC, as appropriate, will review relevant contracts in consultation with the Office of General Counsel and the Chief Ethics Counsel or Anti-Harassment Coordinator for potential remedies to identify immediate and appropriate corrective action.

7. **PROCEDURES FOR RESOLVING REPORTS OF HARASSMENT**.

An employee who believes they have experienced harassment should first inform the offending person that such conduct is unwelcome and must stop. If the employee is not comfortable doing so, the employee should promptly report the matter to their supervisor, any other management official, or the Anti-Harassment Coordinator in OEC. Reports of harassment may be initiated by contacting any supervisor or manager, by calling the Anti-Harassment Hotline at (703) 518-6613, or by emailing the Anti-Harassment Program in-box: Anti-Harassment@ncua.gov. These procedures do not replace, substitute,

or satisfy the separate requirements of filing an EEO complaint, negotiated or administrative grievance, Merit Systems Protection Board appeal or other statutory grievance procedure. Information regarding the filing of an EEO complaint is provided in Section B, below. An employee may use the Internal NCUA Anti-Harassment Report Process (at the above email address) or the EEO Complaint Process (item B below), or both processes simultaneously, to address harassment claims. The bases for EEO complaints include race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity. No protected basis is required to use the Internal NCUA Anti-Harassment Report Process. Employees who choose to use both processes should be mindful of the 45-day time period required to initiate an EEO complaint, and that referring a report to the Anti-Harassment Program will not satisfy the 45- day time period required to initiate the EEO process.

A. **Internal NCUA Process for Harassment Reports.** An NCUA employee who experiences harassment should notify their supervisor, any management official, the EEO office, or the Anti-Harassment Coordinator in OEC before the conduct becomes severe or pervasive. Any management official notified of a report of harassment (orally or in writing) must notify the Anti-Harassment Coordinator in OEC within three (3) business days of receiving the report of harassment. Within ten (10) calendar days of receipt of notification of a report of harassment, OEC will conduct an initial inquiry and, when appropriate, attempt to informally resolve the matter. Such resolution may include proposed disciplinary action for those employees engaged in the reported harassing conduct, remedies for those affected by the reported conduct, and recommendations to ensure such conduct does not recur. If needed, the Anti-Harassment Coordinator will assign an independent factfinder who will conduct a prompt, thorough, and impartial inquiry into the reported harassment. After completion of the fact-finding inquiry, the independent factfinder will summarize the facts found and provide a report to OEC.

- i. **Corrective Action.** Harassment may take different forms and, therefore, may require different corrective actions. Corrective action must be taken to prevent or eliminate the conduct before it rises to the level of unlawful harassment, and to ensure that it does not recur. The NCUA will initiate immediate and appropriate corrective action within 60 calendar days of receiving a report of harassment. The circumstances of each case will dictate the corrective action required. In cases where final corrective action cannot be completed within 60 calendar days, interim corrective actions may be put in place to immediately address the reported conduct.

If it is determined that harassment or other inappropriate conduct has occurred, the Anti-Harassment Coordinator and/or the Chief Ethics Counsel, in coordination with the supervisor of the offending NCUA employee, will consult with NCUA's OHR and OGC, if necessary, to determine immediate and appropriate corrective action, including any warranted disciplinary action. The Chief Ethics Counsel may then recommend corrective action to the appropriate supervisory chain of command, including the NCUA Board, the Office of the Executive Director, Regional or Office Directors, or others with delegated authority to implement such actions. In all cases, neither the Anti-Harassment Coordinator nor the Chief Ethics Counsel act as proposing or deciding officials if NCUA management determines that corrective action must be taken.

The supervisor of the offending employee will ensure that OEC is informed of decisions to take corrective action or not in connection with the harassing behavior.

For reports involving an NCUA contractor, the OEC will also report the conduct to the OCFO's Division of Procurement and Facility Management, the AMAC, or other office with contracting authority, as appropriate, which will review the related contract in coordination with OGC for appropriate corrective action. If the offending party is not an NCUA employee or contractor, the agency will take action reasonably calculated to ensure that the conduct does not recur. In either circumstance, the office with the relevant contracting authority will inform the Anti-Harassment Coordinator in OEC of the corrective action taken, including a decision not to act.

- ii. **Confidentiality.** The information collected pursuant to this Instruction will be kept confidential, to the greatest extent possible, in accordance with applicable law and a thorough and fair process. Individuals may choose to remain anonymous when reporting an incident of harassment to OEC and during the informal EEO pre-complaint process. Anonymity may, however, limit the ability of the NCUA to conduct an effective inquiry. In addition, as an employer NCUA may be required to disclose certain information to individuals who have an official need to know due to the nature of the allegations, or to third parties as required by law or regulation. As such, absolute confidentiality may not be guaranteed in all cases. Documents containing information collected during an inquiry or investigation of such allegations will be stored consistent with personally identifiable information security standards, as set forth in NCUA Instructions.

- B. **EEO Complaint Process.** In addition to the procedures set forth in this Instruction to report harassment through the Internal NCUA Process for Harassment Reports, NCUA employees may also file a harassment complaint under the discrimination complaint procedures of Title 29 Code of Federal Regulations, Part 1614. Federal law prohibits harassment in the workplace because of race, color, sex (including sexual orientation, gender identity, and pregnancy), religion, national origin, age (40 or older), disability, genetic information, or retaliation for protected activity. It is not necessary to use the Internal NCUA Process for Harassment Reports before initiating the EEO complaint process. Employees should be mindful that using the Internal NCUA Process for Harassment Reports will not toll the 45-day time period (set out below) required to initiate the EEO process.

The first step in the complaint process requires that the individual contact the OMWI EEO Intake Line at 703-518-6325 or EEOMail@ncua.gov within 45 days of the most recent incident of harassment or retaliation. Failure to contact OMWI within the 45-day timeframe may result in the loss of the right to a remedy through the EEO complaint process. OMWI will assign the case to an EEO Counselor who will conduct an inquiry and attempt to informally resolve the matter with appropriate NCUA officials. If the matter cannot be resolved, the EEO Counselor will provide the individual with a notice of their right to file a formal complaint.

Once an individual is provided with the right to file a formal complaint, the individual may file a formal harassment complaint with OMWI. When OMWI receives the complaint, it will determine if the complaint is timely filed and acceptable for investigation. If the complaint is investigated,

OMWI will issue a Report of Investigation to the complainant and inform him or her of the right to a decision on the merits by NCUA (with or without an administrative hearing), with right of appeal to the EEOC and subsequent review by a Federal District Court. If the ultimate decision (by NCUA, EEOC, or Court) finds that harassment occurred, the complainant will be provided an appropriate remedy. For more information on the formal complaint process, visit the EEOC's website at www.eeoc.gov or contact NCUA's OMWI at 703-518-6325 or EEOMail@ncua.gov.

8. **EXPIRATION:** This instruction is effective immediately and will remain in effect until canceled or superseded.

/s/
Larry Fazio
Executive Director

Authoring Office
OEC

ENCLOSURE 1: NCUA Anti-Harassment Process

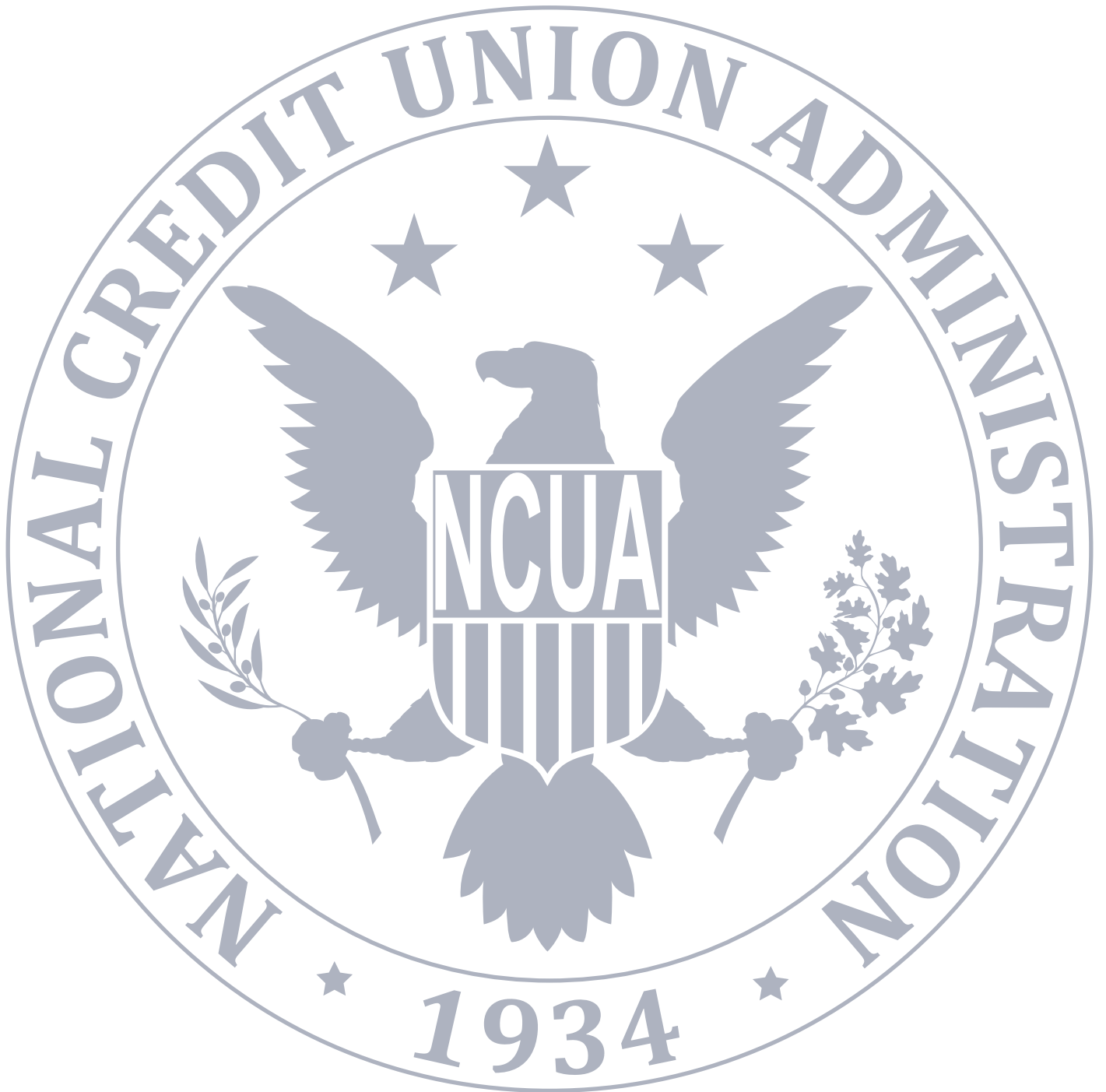
EMPLOYEE REPORTS INCIDENT(S) TO:	PROCEED TO:
Management Official or Office of Human Resources (OHR)	Stage 1
Anti-Harassment Coordinator (AHC)	Stage 3

STAGE	WHAT HAPPENS
1	<u>Management Official or Office of Human Resources (OHR)</u> • Receives a report of alleged harassing behavior or observes potentially harassing conduct. • Informs the Anti-Harassment Coordinator (AHC) within three business days of receiving the report. • Provides the AHC with a copy of any written document or other information received from individual reporting harassment.
2	<u>Management Officials</u> • In consultation with the Anti-Harassment Coordinator, OHR, and the Office of General Counsel (OGC), if needed, consider if interim relief is necessary to protect an employee from potential harassing behavior until an investigation into the matter is complete. • Examples of interim relief include, but are not limited to: ◦ Issuance of a Cease and Desist Letter; ◦ Temporary reassignment of the alleged harasser to a different office/cubicle/location or supervisor; and ◦ Temporary placement of the alleged harasser in telework status.
3	<u>Anti-Harassment Coordinator (AHC)</u> • Receives report or becomes aware of harassing behavior. • Notifies the employee reporting harassment about investigation procedures, confidentiality, and other available avenues of redress. • Notifies management officials of reported harassing conduct or retaliation, where appropriate. • Conducts initial assessment within 10 business days of receipt of report. • Assigns the matter to Contract Investigator if necessary.
4	<u>Contract Investigator</u> • Conducts investigation of reported harassment, including contacting individual reporting harassment, the alleged harasser(s), collecting relevant evidence, identifying other individuals who may have relevant information and conducting interviews of witnesses. • Prepares a Report of Investigation (ROI) summarizing the facts found with potential recommendations and submits ROI to AHC.

STAGE	WHAT HAPPENS
5	<u>Chief Ethics Counsel and Anti-Harassment Coordinator</u> - Chief Ethics Counsel issues memorandum to appropriate management officials and OHR summarizing the findings and recommendations of the Office of Ethics Counsel. - AHC Notifies the reporting employee of the status of the Management Inquiry and next steps, as appropriate.
6	<u>Management Official(s)</u> - Review the Chief Ethics Counsel memorandum and the ROI and determine whether immediate and appropriate corrective action, including disciplinary action, is warranted. - Consult with OHR for appropriate corrective action, as needed. - Determine the immediate and appropriate corrective action, including disciplinary action, if any, to be taken, and the timing of that action. The immediate and appropriate corrective action depends on the severity and/or pervasiveness of the offense, the action required to end such behavior, the alleged harasser's prior disciplinary and behavior history, and other factors required by law to be considered. - Communicate the corrective action, if any, to the alleged harasser and impose that action upon him/her.
7	<u>Office of Human Resources (OHR)</u> - Provides support to Management Officials(s) to effectuate corrective action as determined by the Management Official(s). - Documents the corrective action taken, if any, and provides AHC and OGC with a closing memorandum documenting such action, including any decision not to act, and the date on which such action was taken, or the matter closed. - Where required, records the corrective action in the official personnel file.
8	<u>Anti-Harassment Coordinator</u> Analyzes OHR and management's response to Anti-Harassment reports and any corrective action taken to ensure fairness, accountability, and consistency, and prepares an annual report concerning the Agency's response to such complaints.

Reports of harassment may be initiated by contacting any supervisor or manager, calling the Anti-Harassment Hotline at (703) 518-6613, and/or emailing the Anti-Harassment Program in-box: Anti-Harassment@ncua.gov.

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Office of Minority and Women Inclusion
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Alexandria, VA 22314
703 518-6570
OMWImail@ncua.gov

NCUA.gov

