

EQUAL OPPORTUNITY: Rights and Responsibilities

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Office of Equal Employment and Minority Affairs

MRC 521, (202) 633-6430





SUBJECT: Diversity and Equal Employment Opportunity Policy Statement

The Smithsonian Institution is a true national treasure and I am honored to have the opportunity to work with you to help shape our cultural, artistic, historic, scientific, and public engagement endeavors. The Institution is committed to the increase and diffusion of knowledge through diversity in our education programs, activities, research, visitors, donors, collections, workforce, and boards. This policy of diversity and inclusion is part of the Smithsonian Strategic Plan and Organizational Goals and cannot not be accomplished without a commitment to promote equal opportunity and to foster a respectful, diverse, and inclusive environment.

The Smithsonian is committed to ensuring that all employees and affiliated persons (interns, research associates, fellows, and volunteers) are treated equitably in an environment that is free from discrimination based on race, color, religion, sex (including gender identity, gender stereotyping, pregnancy, and sexual orientation), national origin, age, disability, genetic information, parental status, or marital status and free from reprisal against protected activities. I want to assure you of my commitment to an organizational culture of mutual respect where each of us feels comfortable and safe.

All personnel practices, including recruitment, hiring, promotion, assignments, transfers, training and career development, benefits, disciplinary actions, and separation, will be conducted in a manner that is consistent with this policy. Each of us must contribute to fostering a workplace where everyone is valued and assured that employment decisions are based on merit. Managers and supervisors at all levels, are responsible for ensuring that individuals are made aware of this policy and for promoting diversity and a supportive climate.

All of us in leadership positions will be held accountable for progress in this area through annual performance appraisals. All supervisors must attend the Smithsonian's "EEO for Supervisors" course, an EEO refresher training every three years, and recommended training in personnel management.

I am proud of the way the Smithsonian community supports each other every day, regardless of background. I call on everyone in our community to engage in our efforts embracing diversity, inclusion and equal opportunity. I am counting on your collective wisdom and action.

A handwritten signature in black ink that reads "David J. Skorton".

David Skorton
Secretary

DISTRIBUTION: All Employees



SUBJECT: Prevention of Workplace Harassment Policy Statement

Enhancing and maintaining a workforce that is conducive to safety and success for all is among my highest priorities. The Smithsonian Institution's policy on workplace harassment based on race, color, religion, sex (including gender identity, gender stereotyping, pregnancy and sexual orientation), national origin, age, disability, genetic information, parental status, or marital status is zero tolerance and retaliation for reporting workplace harassment will not be tolerated.

Workplace harassment is defined as unwanted or unwelcome conduct, whether verbal, written, or physical in nature that a reasonable person would find denigrating or objectionable when:

- Enduring the offensive conduct becomes a condition of continued employment; or
- Such conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Employees, contractors, and affiliated persons (interns, research associates, fellows, and volunteers) are responsible for appropriate professional conduct and behavior, and cooperating in the enforcement of this policy. Supervisors and sponsors are responsible for maintaining a work environment free of harassment. Behavior that violates this policy shall not be tolerated. Individuals engaging in conduct that violates this policy will be subject to appropriate disciplinary measures up to, and including, removal or disassociation from the Smithsonian.

To achieve the goals of this policy, every supervisor must complete the EEO for Supervisors training and non-supervisory employees must complete POWH training. Every employee, regardless of the level of responsibility, must complete refresher training every three years.

To prevent and remedy incidents of workplace harassment, the Smithsonian must be made aware of the conduct or behavior. The Smithsonian will protect the privacy of individuals and the confidentiality of information related to allegations of harassment to the extent possible. Information will be provided only to those who have a need to know in order to carry out their responsibilities. Disciplinary action and other appropriate measures may be taken against complainants if a false claim of harassment has been proven.

Reported workplace harassment will be addressed immediately. Individuals who believe they are being harassed on the job are encouraged to:

- Tell the harasser (orally or in writing) to stop, keep a record of the events, report the behavior to a supervisor or manager, and cooperate in the inquiry; or
- Immediately discuss the issue with someone in their supervisory chain to determine the course of action.

Individuals who do not feel comfortable discussing the issue within their immediate chain of supervision are encouraged to contact the Anti-Harassment Hotline at (202) 633-6620, the

Office of Equal Employment and Minority Affairs (OEEMA), the Employee Assistance Program (EAP), the Ombudsman, or the union.

The Smithsonian Tropical Research Institute (STRI) has a separate complaint process available on Prism at <http://prism2.si.edu/SIOrganization/OEEMA/Pages/STRICP.aspx> for their employees and applicants who are outside of the U.S. and are not US citizens. This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Smithsonian Institution, its officers, employees, or agents, or any other person.

Additional guidance is available in Smithsonian Directive 214. Related questions or requests for services and information should be directed to the Office of Equal Employment and Minority Affairs, 600 Maryland Avenue, S.W. (MRC 521), Washington, DC 20013-7012; (202) 633-6430.

Thank you in advance for helping to make the Smithsonian an exemplary workplace.

A handwritten signature in black ink that reads "David J. Skorton". The signature is written in a cursive style with a large, prominent "D" and "S".

David Skorton
Secretary

DISTRIBUTION: All Employees

Equal Opportunity: Rights and Responsibilities

The Smithsonian Institution strives to provide for all individuals associated with it a working environment that is free from discrimination. As part of the Institution's efforts to ensure that you are fully aware of your equal opportunity rights and responsibilities, you are provided with this packet which includes the following documents:

- Diversity and Equal Employment Policy Statement
- Prevention of Workplace Harassment Policy Statement
- Procedures for Requesting Reasonable Accommodation for Individuals with Disabilities
- EEO Complaints Procedures for Individuals Associated with the Smithsonian Institution

Please acknowledge that you have received, read and understand the documents listed above by signing the Acknowledgment below and returning this page to your sponsor or supervisor. Additional information is available at <http://prism.si.edu/oeema/index.html>. If you have any questions, please call an EEO counselor at (202) 633-6430.

Acknowledgment

I, _____, acknowledge that I have received and read the
(Print name clearly)
documents contained in the Smithsonian Institution's Equal Opportunity Rights and Responsibilities
packet.

DATED _____ SIGNATURE: _____

SI OFFICE/ORGANIZATION/MUSEUM: _____

Procedures for Requesting Reasonable Accommodation for Individuals with Disabilities

An individual associated with the Smithsonian may request a reasonable accommodation orally or in writing from his/her sponsor or supervisor, another supervisor in his/her immediate chain of command, or the Disability Program Manager in the Office of Equal Employment and Minority Affairs at (202) 633-6418. Applicants for employment may request a reasonable accommodation from the Human Resources Specialist, the Disability Program Manager, or other individuals involved in the hiring process. A family member, health professional, or other representative may request an accommodation on behalf of an individual or applicant. (However, the discussions about accommodation will always be held with the individual unless he/she is incapacitated and cannot participate adequately.)

A request does not have to use any special words. To the extent possible, the request should include a description of the precise limitations imposed by a disability and how those limitations could be overcome by a reasonable accommodation. If the disability or the need for accommodation is not obvious, the individual may be asked for reasonable medical documentation about his/her disability and functional limitations. Individuals associated with the Smithsonian and applicants may consult the Disability Program Manager for further information on requesting or processing a request for reasonable accommodation.

EEO Complaints Procedures for Individuals Associated with the Smithsonian Institution

The Office of Equal Employment and Minority Affairs (OEEMA) is responsible for receiving and processing all complaints of alleged discrimination, harassment and/ or retaliation. If an individual associated with the Smithsonian believes that he or she has been discriminated against because of race, color, religion, sex (including pregnancy), national origin, genetic information, age, and/or disability, the individual may contact OEEMA for assistance.

To initiate the EEO complaint process, the individual must contact an Equal Employment Opportunity (EEO) Counselor in OEEMA within **forty-five (45) calendar days** of the date of the alleged discrimination or the effective date of an allegedly discriminatory personnel action. You may contact an EEO counselor by calling (202) 633-6430 or visiting OEEMA which is located at 600 Maryland Avenue, SW, Suite 2091, Washington, DC. OEEMA's EEO counseling program provides the means to resolve individual complaints of discrimination early, quickly and informally. EEO counselors are experienced in conflict resolution techniques, and most problems brought to them are resolved to the satisfaction of both the individual and management.

Where appropriate, OEEMA also offers mediation as a means of resolving EEO complaints. Mediation may be requested by either the individual alleging discrimination or a management official. Participation in mediation is voluntary. If mediation is unsuccessful, the individual may continue with the EEO complaint process. Mediation may be offered as a means of resolving complaints alleging discrimination based on sexual orientation, parental status or marital status. These bases are not proscribed by Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, or the Rehabilitation Act, and therefore, these claims will not be accepted in the formal EEO complaint process.

Upon completion of counseling and/or mediation, if the matter is not resolved or settled, the EEO counselor will issue a Notice of Final Interview and a copy of the counseling report. If you wish to pursue your complaint further, you have the right to file a formal complaint alleging discrimination within **fifteen (15) calendar days** of the date you received the Notice of Final Interview. Whether you have the right to proceed in the formal complaints process will depend on a determination by OEEMA of your legal standing to bring such a formal complaint. If your formal complaint is accepted, an investigation of your claims will be conducted. If your formal complaint, or any part of it, is dismissed, you will receive a separate written notice, and you will be advised of your rights of appeal.

Please do not hesitate to contact OEEMA by telephone or in person if you have any questions.