



EQUAL EMPLOYMENT OPPORTUNITY (EEO)

**ANNUAL REPORT TO CONGRESS
ON THE NOTIFICATION AND
FEDERAL EMPLOYEE
ANTIDISCRIMINATION AND
RETALIATION ACT**

(No FEAR Act)

FISCAL YEAR 2023

PREPARED BY:

Erica Pearson

Director, Office of Equal Employment Opportunity Programs

REPORT SUBMITTED TO:

President Pro Tempore

Speaker of the House of Representatives

Members of Congress

Attorney General

Chair, Equal Employment Opportunity Commission (EEOC)

Director, Office of Personnel Management (OPM)



Message from the Director

Office of Equal Employment Opportunity Programs

It is with great pleasure that I present the National Archives and Records Administration's (NARA) Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act) Annual Report for Fiscal Year 2023.

The report summarizes EEO activity in the Complaints Program and highlights activity in the Anti-Harassment Program. It provides trends for five years of reporting requirements between FY 2019 and FY 2023. While the report aims to reduce incidents of workplace discrimination, it also demonstrates NARA's commitment to the principles of EEO, fostering an inclusive work environment, providing protection from prohibited personnel practices, and promoting accountability.

Copies of this report will be submitted to the following Members of Congress and Executive Branch:

- President Pro Tempore;
- Speaker of the House of Representatives;
- Members of Congress with jurisdiction relating to NARA;
- Attorney General;
- Chair of the Equal Employment Opportunity Commission; and
- Director of the Office of Personnel Management.

Should you have any questions regarding this report, please contact me at 301-837-3928 or eeocomplaints@nara.gov.

Sincerely,

Erica Pearson

Erica Pearson
Director, Office of Equal
Employment Opportunity Programs

3/29/2024

Date

Pursuant to the statutory requirements, this report is being provided to the following Members of Congress that have authority and oversight for NARA and the Executive Branch:

<p>The Honorable Patty Murray President Pro Tempore United States Senate</p>	<p>The Honorable Mike Johnson Speaker of the House of Representatives</p>
<p>The Honorable Gary C. Peters Chair, Committee on Homeland Security and Governmental Affairs United States Senate</p>	<p>The Honorable Rand Paul Ranking Member, Committee on Homeland Security and Governmental Affairs United States Senate</p>
<p>The Honorable Patty Murray Chair, Committee on Appropriations United States Senate</p>	<p>The Honorable Susan Collins Vice Chair, Committee on Appropriations United States Senate</p>
<p>The Honorable Chris Van Hollen Chair, Subcommittee on Financial Services and General Government United States Senate</p>	<p>The Honorable Bill Hagerty Ranking Member, Subcommittee on Financial Services and General Government United States Senate</p>
<p>The Honorable Peter Sessions Chair, Subcommittee on Government Operations and the Federal Workforce House of Representatives</p>	<p>The Honorable Kweisi Mfume Ranking Member, Subcommittee on Government Operations and the Federal Workforce House of Representatives</p>
<p>The Honorable James Comer Chair, Committee on Oversight and Accountability House of Representatives</p>	<p>The Honorable Jamie Raskin Ranking Member, Committee on Oversight and Accountability House of Representatives</p>
<p>The Honorable Kay Granger Chair, Committee on Appropriations House of Representatives</p>	<p>The Honorable Rosa DeLauro Ranking Member, Committee on Appropriations House of Representatives</p>
<p>The Honorable Steve Womack Chair, Subcommittee on Financial Services and General Government House of Representatives</p>	<p>The Honorable Steny Hoyer Ranking Member, Subcommittee on Financial Services and General Government House of Representatives</p>
<p>The Honorable Merrick Garland Attorney General U.S. Department of Justice</p>	<p>The Honorable Charlotte A. Burrows Chair U.S. Equal Employment Opportunity Commission</p>
<p>The Honorable Kiran Ahuja Director U.S. Office of Personnel Management</p>	

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I. Executive Summary

The National Archives and Records Administration (NARA) provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (“No FEAR Act”), Public Law 107-174. This report covers data for FY 2023.

NARA’s mission is to provide equitable public access to federal government records in our custody and control. Equitable access to government records strengthens democracy by allowing all Americans of all backgrounds to claim their rights of citizenship, hold their government accountable, and understand their history so they can fully participate in their government. As the nation’s record keeper, it is vitally important that we recognize and value our employees and the public we serve. One of NARA’s Strategic Goals promises to “Build Our Future Through our People.” This commitment depends on treating employees and the public with dignity, respect, and professionalism regardless of differences. NARA is dedicated to building a workplace culture based on the principles of Diversity, Equity, Inclusion, and Accessibility (DEIA) so that all employees are empowered, engaged, and prepared to become the next generation of leaders who will have the skills to fulfill our mission.

This report summarizes the accomplishments within NARA’s EEO Complaint and Anti-Harassment Programs. In addition, it highlights activities taken in support of DEIA.

NARA is proud to announce the acquisition of an EEO tracking system. We are currently in the early implementation stage and look forward to tracking our cases electronically. This will support timely processing, automatic date calculations, and an efficient production of the Form 462 reporting.

EEO Complaints Program:

Informal Complaints of Discrimination

In FY 2023, NARA increased processing time in the informal counseling complaints processing area. NARA processed 48 informal counseling complaints. 43 or 90% were completed within the fiscal year. 34 or 79% of the 43 completed cases were completed within the established time frames. Nine of the 43 completed cases were untimely. Of the 43 completed cases, 16 or 37% of the completed informal counseling cases resulted in formal complaints of discrimination. 27 cases elected not to file a formal complaint. Five informal counseling cases were pending and were on hand at the beginning of FY 2024.

In FY 2022, NARA processed 26 informal counseling complaints. 15 or 58% were completed within the fiscal year. 15 or 100% of the cases completed were completed within the established time frames. Of the 15 completed cases, nine or 60% of the informal counseling cases were resolved or did not result in a formal complaint of discrimination.

Alternate Dispute Resolution

In October 2022, the beginning of FY 2023, NARA joined other federal agencies and many other national, state, local, and tribal organizations in promoting and celebrating mediation and other means of conflict resolution as powerful, cost-effective strategies to resolve conflicts.

For over 20 years, NARA's RESOLVE program has provided efficient, cost-effective, and impartial methods for overcoming barriers to conflict and for resolving workplace disputes, EEO complaints, and administrative grievances. The voluntary use of alternative means of dispute resolution (ADR), such as mediation, ombuds services, and arbitration, often can provide faster, and more satisfying resolution of disputes.

Formal Complaints of Discrimination

In FY 2023, 23 formal complaints were processed. Of the 23 complaints, seven were pending from FY 2022 and 16 new complaints were filed. There was an increase of 167% in the total number of complaints filed from FY 2022 to FY 2023. The top basis categories were race and reprisal for engaging in prior EEO activity. The top issue categories were harassment (non-sexual) and time and attendance. In FY 2022, the top basis categories were race and age, and the top issue categories were harassment (non-sexual) and promotion/non-selection.

In FY 2023, NARA completed seven investigations. Six or 86% of the investigations were processed in a timely manner. Of the seven investigations, one or 14% was untimely. The average processing time was 244 days. This is an increase from FY 2022 where the average processing time was 170 days for four investigations. In FY 2023, the total investigation cost was \$44,177.99, which averages \$6,311.14, per case. In FY 2022, the total investigation cost was \$19,529.25, which averages \$4,882.31, per case.

In FY 2023, NARA closed nine or 39% of the 23 cases in the formal complaint process. Of the nine closed cases, four or 44% received settlement agreements. Of the four, two or 50% were resolved with monetary benefits. Two or 50% were resolved with non-monetary benefits. Two or 22% were closed by Final Orders of Dismissals by an EEOC Administrative Judge. Two or 22% of the 9 cases were closed by final agency decisions/actions (FAA). One or 11% was dismissed. There were no findings of discrimination. In FY 2022, NARA closed 17 or 65% of the 26 formal complaints in the process. Of the 17 closed cases, two or 12% were resolved with monetary benefits.

¹ In accordance with 29 CFR 1614.18(e), six complainants agreed to extend the investigation for an additional 90 days.

In FY 2023, NARA's processing time for merit decisions² increased. Of the two merit decisions, 100% were untimely. The average processing time was 328 days. In FY 2022, we processed five merit decisions. The average processing time was 137 days. Of the five merit decisions, one or 20% was considered timely and four or 80% were untimely.

No employees were disciplined because there were no Federal District Court actions that found discrimination, retaliation, harassment, or other infractions of the provisions of law cited under the No FEAR Act stemming from Federal District Court actions.

Civil Actions in Federal District Court

In FY 2023, there were three civil actions pending in Federal Court. Civil Action Case No. 8:19-cv-02876-DLB, is pending in the United States District Court, District of Maryland. Civil Action No. 4:23cv976 is pending before the United States District Court for the Eastern District of Missouri. Pending in the United States Court of Appeals for the Eighth Circuit is No. 23-2359. This appeal involves a civil action, Civil Action Case No. 4:22-cv-00033, which was filed on January 7, 2022, and which consolidated three cases: Agency Case Nos. 1810STL, 1911STL and 2020-16STL. The case was dismissed by the Federal District Court of Eastern Missouri on summary judgment in FY 2023.

Anti-Harassment Program:

Allegations of Harassment, Inappropriate Behavior, and Hostile Work Environment

In FY 2023, there were 104 Anti-Harassment cases filed as compared to 46 Anti-Harassment cases filed in FY 2022. In FY 2023, 25 cases were carried over from FY 2022. In FY 2022, 1 Case was carried over from FY 2021. There was a significant increase in the number of cases filed and the number of cases carried over from the previous year as compared to FY 2022. The number of cases filed increased in FY 2023 by 44%.

In FY 2023, the leading types of cases submitted were hostile work environment and inappropriate comments. In FY 2022, the leading types of cases submitted were hostile work environment and inappropriate behavior. In FY 2023, the majority of the cases submitted involved employee to employee conduct. However, there were some manager to employee cases, cases involving contractors, foundation employees, and one case involving contractor to researcher conduct. In FY 2022, the majority of the cases involved an employee alleging harassment by their manager. There were a few cases where an employee alleged harassment against another employee, and two cases that a researcher was named as an alleged harasser.

² Merit decisions are Final Agency Decisions wherein the agency determines the outcome of the case; no EEOC Administrative Judge has been involved in the case.

In FY 2023, the overall average processing time was 79 days, an increase from FY 2022. In FY 2022, the average processing time was 60 days. In FY 2023, 85 of the 104 cases filed were resolved, which is a result of 82%. In FY 2022, 21 of the 46 cases filed in FY 2022 were resolved, which is a result of 46%. FY 2023 saw an increase in the resolution rate.

Training

NARA administered its Annual Required Training (ART-AS-24) from November 29, 2023, to February 13, 2024, via the Learning Management System (LMS). (*Appendix D: NARA Notice 2024-030: Annual Required Training for All Employees*). ART covers agency-wide and government-wide directives, guidance, regulations, and laws. A section of the ART specifically deals with the No FEAR, which reminds employees of their rights and remedies under Federal anti-discrimination, retaliation, and whistle-blower protection laws. The FY 2023 launch of the ART Training for NARA employees was delayed due to the appointment of a new Agency head. This delay was necessary to revamp the training to align with the messaging reaffirming the Archivist's commitment. However, during FY 2023, 570 new employees completed the New Hire Orientation, which incorporated training on the No Fear Act.

DEIA Efforts

To implement Section Six: Framework to Promote Safe and Inclusive Workplaces and Address Workplace Harassment of the Government-wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, the Office of EEO Programs ensured that:

- The EEO Policy and Anti-Harassment Policy Statements were issued on September 22, 2023; New Employee Orientation;
- Provided takeaways and participates in panel discussions about EEO-related matters in the Supervisor Development Program;
- Provided 9 Preventing and Addressing Conduct Sessions during NARA's Respectful, Inclusive and Safe Environments Training Course, May, 2023 for 50 participants.
- NARAs Employee Affinity Groups expanded by one additional group, NARA over 50 in early 2023, to promote the interests of, and build community among older NARA employees.
- The Office of Human Capital launched its first cohort of the Respectful, Inclusive and Safe Environments Training Course (RISE) in 2023. The RISE course is committed to promoting a workforce that is inclusive in its interactions, equitable in its practices, and accessible to all.

II. Introduction

The No FEAR Act requires Federal agencies to submit Annual Reports to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, the U.S. Equal Employment Opportunity Commission (EEOC) and the

Director of the Office of Personnel Management (OPM). This report is submitted by NARA to fulfill this reporting requirement.

III. Background

On May 15, 2002, President George W. Bush signed into law the No FEAR Act. The Act became effective on October 1, 2003. The Act requires Federal agencies to be accountable for violations of anti-discrimination and whistle-blower protection laws and post certain statistical data relating to Federal sector EEO complaints filed with the agency.

Section 203 of the No FEAR Act requires that each Federal agency submit an Annual Report to Congress not later than 180 days after the end of each fiscal year. Section 203 also provides the specific requirements for agencies to report under the Act. In addition, the President delegated responsibility for the issuance of regulations governing implementation of the No FEAR Act to OPM. OPM published interim regulations on January 22, 2004, concerning the reimbursement provisions of the Act. On December 28, 2006, OPM published the final regulations for reporting in the Federal Register. The effective date in the final rule was February 26, 2007.

On January 1, 2021, lawmakers passed EEO reforms aptly called the Elijah Cummings Federal Employee Anti-discrimination Act of 2020 as part of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. The law amends the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002, signed by George W. Bush. The amendment strengthens reporting and increases accountability measures by requiring the following:

- Establishment of an EEO Complaint Tracking System;
- Notation of any adverse action and the reason for the action in the employee's personnel record if an agency takes an adverse action under 5 U.S.C. § 7512 against an employee for a discriminatory act;
- Reporting on disciplinary actions related to findings of discrimination, including retaliation. Agencies are to report on such events via an online posting (within 90 days of such finding) and via a written report to the EEOC (within 120 days of such finding).
- Fair and impartial processing and resolution of EEO complaints;
- Establishment of a Model EEO Program independent of either their Offices of Human Capital or Office of General Counsel or equivalent;
- Ensure that each Head of EEO program reports directly to Agency Head; and
- The EEOC may refer discrimination findings to the Office of Special Counsel if it determines that the agency did not take appropriate action with respect to the finding.

NARA's EEO Office is responsible for administering and ensuring agency compliance with the

Federal EEO laws, regulations, policies, and guidance that prohibit discrimination in the Federal workplace based on race, color, sex (including pregnancy, sexual orientation, gender identity or transgender status), national origin, religion, age, disability, genetic information, or reprisal. (*Appendix B: EEO Policy Statement*) The EEO Office is also responsible for preparing the agency's Annual Report to Congress on the No FEAR Act based on the Agency's efforts to enforce discriminatory acts and prevent future incidents of discrimination. The Office of Human Capital Management, Office of the Inspector General and the Office of General Counsel also play a role in the implementation of the No FEAR Act for NARA employees.

IV. Final Year-End Data for FY 2022

As required by the No FEAR Act, NARA timely posted and displayed a link to the No FEAR Act data on its main website (www.archives.gov) no later than 30 calendar days after the end of each quarter.

- NARA's complaints data was reported quarterly during FY 2023. (*Appendix A: Final Year-End No FEAR Act Data for FY 2023*)

V. Cases Filed in Federal District Court

Section 203 (1) of the No FEAR Act requires that agencies include in their Annual Report to Congress "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." Section 724.302 of OPM's proposed regulations issued on January 25, 2006, clarifies section 203 (1) of the No FEAR Act, stating that the agencies report on the "number of cases in Federal Court pending or resolved ...arising under each of the respective provisions of the Federal Antidiscrimination laws and whistleblower protection laws."

- In FY 2022, there were four cases (Agency Case Nos. 1725MD, 1822LX, 1911STL, and 2020-16STL) pending in Federal District Court.

VI. Status or Disposition for the Federal District Court Cases

- Three cases are currently pending in Federal Court:
 - No. 23-2359 Civil in the United States Court of Appeals for the Eighth Circuit. This is an appeal from Civil Action Case No. 4:22-cv-00033, filed on January 7, 2022, consolidating three cases, Agency Case Nos. 1810STL, 1911STL, and 2020-16STL; and which was dismissed during FY 2023;
 - Civil Action Case No. 4:23cv976 as filed on August 4, 2023; Agency Case 1809STL, in the United States District Court for the Eastern District of Missouri;
 - Civil Action Case No. 8:19-cv-02876-CBD was filed on September 30, 2019; Agency Case No. 1725MD, in the United States District Court for the District of Maryland.

VII. Reimbursement to the Treasury Judgment Fund

OPM published interim final regulations in the Federal Register on January 22, 2004, and final regulations on May 10, 2006, to clarify the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state that the Financial Management Service, U.S. Department of the Treasury (FMS), will provide notice to an agency's Chief Financial Officer within 15 business days after payment from the Judgment Fund. The agency is required to reimburse the Judgment Fund within 45 business days after receiving the notice from FMS or must contact FMS to make arrangements in writing for reimbursement.

- NARA reports that no funds were required to be reimbursed to the Judgment fund.

VIII. Disciplinary Actions

Section 203(a)(4) of the No FEAR Act requires that agencies include in the Annual Report to Congress "the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1)." Section 203(a)(1) requires that agencies report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." OPM's guidelines provide that these cases refer to the number of discrimination cases for which the Judgment Fund paid on behalf of the agency. The proposed regulations also define disciplinary actions to include any one or a combination of the following actions: reprimand, suspension without pay, reduction in grade or pay, or removal.

- There are no disciplinary actions to report.

IX. Policy Descriptions on Disciplinary Actions

Section 203(a)(6) of the No FEAR Act requires that agencies include in their Annual Report to Congress a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2). Further, the Act requires that, with respect to each such law, Federal agencies report on the number of employees who were disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

- Not applicable

X. Training Requirement for No FEAR Act

Section 202(c) of the No FEAR Act requires agencies to provide training to their employees on the rights and remedies under Federal antidiscrimination, retaliation, and whistleblower protection laws. Under 5 C.F.R. 724.203, agencies are required to develop a written plan for training employees on the No FEAR Act.

- NARA administered its Annual Required Training (ART-AS-24) from November 29, 2023, to February 13, 2024, via the Learning Management System (LMS). (*Appendix D: NARA Notice 2024-030: Annual Required Training for All Employees*). ART covers agency-wide and government-wide directives, guidance, regulations, and laws. A section of the ART specifically deals with the No FEAR, which reminds employees of their rights and remedies under Federal anti-discrimination, retaliation, and whistle-blower protection laws. The FY 2023 launch of the ART Training for NARA employees was delayed due to the appointment of a new Agency head. This delay was necessary to revamp the training to align with the messaging reaffirming the Archivist's commitment. However, during FY 2023, 570 new employees completed the New Hire Orientation, which incorporated training on the No Fear Act.

XI. Examination of Trends, Causal Analysis, Practical Knowledge Gained Through Experience, and Actions Planned or Taken to Improve the Complaints Program

Section 203(7) of the No FEAR Act requires that agencies undertake “an examination of trends, causal analysis, and practical knowledge gained through experience and any actions planned or taken to improve complaint or civil rights programs of the agency.”

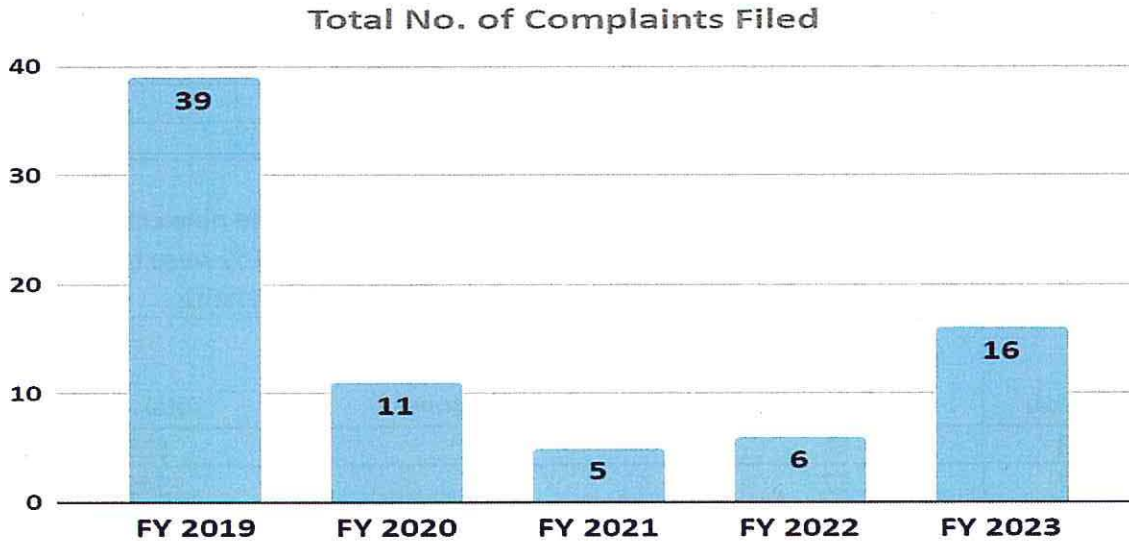
Trends and Analysis

In FY 2023, 48 informal counseling complaints were in the process. NARA completed 43 informal counseling cases of which 79% were completed within the established time-frames. Nine were untimely. However, 16 or 37% of the completed informal counseling cases resulted in formal complaints of discrimination. Five informal counseling cases were pending and will be on hand at the beginning of FY 2023.

Fiscal Year	No. of Completed Counseling Cases	No. of Timely Counseling Cases	Percent Timely	No. of Cases Resolved/Closed	Percent of Completed Counseling Resolved (settled/withdrawn/no complaint filed)
2023	43	34	79%	27	63%
2022	15	15	100%	9	60%
2021	8	7	88%	4	50%

2020	24	14	58%	0	0%
2019	47	35	74%	8	17%

In FY 2023, 23 formal complaints were processed. Of the 23 complaints, seven were pending from FY 2022 and 16 new complaints were filed. NARA’s complaint activity data below shows there was an increase of 167% in the total number of complaints filed from FY 2022 to FY 2023.



In FY 2023, the most filed on bases were race and reprisal for engaging in prior EEO activity. The most filed on issues were harassment (non-sexual) and time and attendance.

Fiscal Year	Top Two Bases	Top Two Issues
2023	<ul style="list-style-type: none"> ▪Race ▪Reprisal 	<ul style="list-style-type: none"> ▪Harassment (non-sexual) ▪Time and attendance
2022	<ul style="list-style-type: none"> ▪Race ▪Age 	<ul style="list-style-type: none"> ▪Harassment (non-sexual) ▪Promotion/non-selection
2021	<ul style="list-style-type: none"> ▪Reprisal ▪Disability (mental) 	<ul style="list-style-type: none"> ▪Reasonable Accommodation ▪Reprimand (warning)
2020	<ul style="list-style-type: none"> ▪Reprisal ▪Sex (Gender Identity) – Tie ▪Race – Tie ▪Disability – Tie 	<ul style="list-style-type: none"> ▪Harassment (non-sexual) - Tie ▪Promotion/Non-selection - Tie ▪Removal
2019	<ul style="list-style-type: none"> ▪Race ▪Reprisal 	<ul style="list-style-type: none"> ▪Harassment (non-sexual) ▪Evaluation/Appraisal

In FY 2023, NARA completed seven investigations. Six or 86% of the investigations were processed in a timely manner. Of the seven investigations, one or 14% were untimely. The

average processing time was 244 days. This is an increase from FY 2022 where the overall processing time was 170 days for four investigations. In FY 2023, the total investigation cost was \$44,177.99, which averages \$6,311.14, per case. In FY 2022, the total investigation cost was \$19,529.25, which averages \$4,882.31, per case.

Fiscal Year	No. of Investigations Completed	No. of Timely Investigations	Average No. of Days	Percent Timely
2023	7	6	244	86%
2022	4	4	170	100%
2021	5	5	186.20	100%
2020	35	13	211.46	37%
2019	12	0	326.67	0.00%

In FY 2023, NARA closed nine or 39% of the 23 cases in the process. Of the nine closed cases, four or 44% received settlement agreements. Of the four, two or 50% were resolved with monetary benefits. Two or 50% were resolved with non-monetary benefits.

Fiscal Year	No. of Cases Closed	No. of Cases Closed with Monetary Correction Actions	Total Amount Paid
2023	9	2	\$25,000
2022	17	2	\$45,000
2021	22	2	\$23,000
2020	23	8	\$271,000
2019	39	2	\$30,000

In FY 2023, there was one NARA procedural dismissal to report processing time. Since there were no procedural dismissals in FY 2022, there is no comparative data.

Fiscal Year	No. of Procedural Dismissals	Average No. of Processing Days
2023	1	63
2022	0	0
2021	0	0
2020	0	0
2019	16	106

In FY 2023, two merit decisions³ were issued. The average processing time for the two decisions was 328 days. In FY 2022, five merit decisions were issued. Of the five decisions, one or 20% were issued in a timely manner. 4 or 80% were untimely. The average processing time for the five decisions was 137 days.

Fiscal Year	No. of Final Agency Actions – Merit Decisions	No. Timely Issued	Average No. of Processing Days
2023	2	0	328
2022	5	1	137
2021	9	3	94
2020	13	0	277
2019	7	0	373

NARA’s Anti-Harassment Program continues to effectively address harassment conduct and behavior in the agency. The EEO Office successfully sustained an effective Anti-Harassment Program by addressing and processing allegations of harassment according to NARA’s Anti-Harassment Policy 396.

In FY 2023, 104 allegations were filed and 25 were already on hand from FY 2022. 85 or 82% of the allegations were resolved or addressed whereas in FY 2022, 46 allegations were filed, 21 or 46% were resolved or addressed by the Anti-Harassment Committee. The average processing time for FY 2023 was 79 days whereas in FY 2022 the average processing time was 60 days. In FY 2023 the resolution rate increased.

In FY 2023, the leading types of cases submitted were hostile work environment and inappropriate comments. In FY 2022, the leading types of cases submitted were hostile work environment and inappropriate behavior. In FY 2023, the types of cases submitted included mostly employee to employee conduct. However, there were some cases of employees alleging harassment against a manager, cases involving contractors, foundation employees, and one case involving a contractor to researcher conduct. In FY 2022, the cases submitted mostly consisted of employee to the manager alleged harassment. There were a few cases where employee to the manager alleged harassment. There were a few cases that were employee to employee, and two cases involving researchers.

In FY 2022, 24% of cases filed were substantiated as inappropriate behavior. In FY 2022, 65% of the cases filed neither harassment nor inappropriate behavior could be substantiated. The remaining cases were either administratively closed, withdrawn or transferred to another office for further processing, which totaled 10.98% of the total cases in FY 2022. Only one case was substantiated for harassment of the cases submitted in FY 2022 totaling .02%.

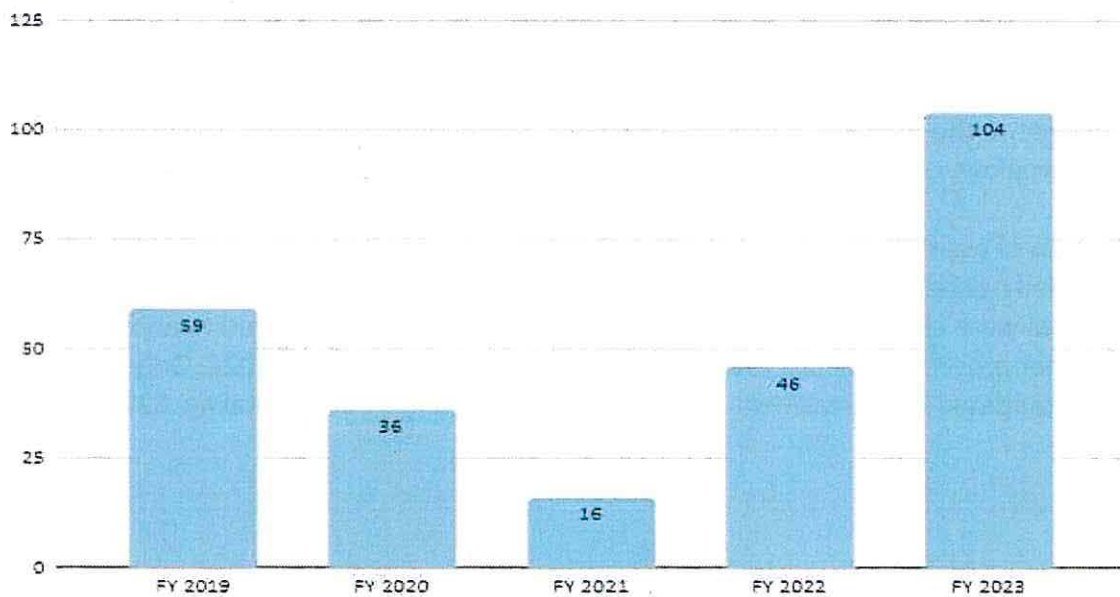
³ Merit decisions are Final Agency Decisions wherein the agency determines the outcome of the case; no EEOC Administrative Judge has been involved in the case.

In FY 2023, the leading types of cases submitted were hostile work environment and inappropriate comments. In FY 2022, the leading types of cases submitted were hostile work environment and inappropriate behavior. In FY 2023, the types of cases submitted included mostly employee to employee conduct. However, there were some cases of employees alleging harassment against a manager, cases involving contractors, foundation employees, and one case involving a contractor to researcher conduct. In FY 2022, the cases submitted mostly consisted of employee to the manager alleged harassment. There were a few cases where employee to the manager alleged harassment. There were a few cases that were employee to employee, and two cases involving researchers.

In FY 2022, 24% of cases filed were substantiated as inappropriate behavior. In FY 2022, 65% of the cases filed neither harassment nor inappropriate behavior could be substantiated. The remaining cases were either administratively closed, withdrawn or transferred to another office for further processing, which totaled 10.98% of the total cases in FY 2022. Only one case was substantiated for harassment of the cases submitted in FY 2022 totaling .02%.

In FY 2023, 21% of the cases filed were substantiated as inappropriate behavior. In FY 2023, 63% of the cases filed neither harassment nor inappropriate behavior could be substantiated. The remaining cases were administratively closed totaling 15.97%. Three of the cases filed in FY 2023, were substantiated as harassment, which totaled .03%.

Total No. of Harassment Allegations



Practical Knowledge Gained Through Experience

NARA continues to promote ADR and encourage employees to consider this avenue first

before filing a formal complaint of discrimination. Managers and supervisors are educated on the importance of resolving actions that may rise to EEO complaints and to avoid costly judgments. Since the implementation of the No FEAR Act and mandatory Prevention of Workplace Harassment training, NARA's employees have gained practical knowledge and experience through the training.

When awareness is brought to the forefront, EEO complaints and allegations of harassment, inappropriate behavior, and hostile work environment may increase or decrease. According to the recent trends, in FY 2023, EEO complaints and harassment allegations increased. To assist with the increase of EEO complaints and harassment allegations, the EEO Office hired additional staff and continues to have our human resources shared services provider, the Department of Treasury, Bureau of the Fiscal Service, Administrative Resource Center (ARC), to conduct the fact-finding inquiry into allegations of harassment.

Regarding accountability, the Office of EEO Programs provides status reports to senior leadership regarding EEO complaints in their organizations. The Director of the EEO Office reports monthly to the head of the agency and serves on NARA's Management Team. The EEO Office provided reports on EEO complaints and allegations of harassment to program offices upon request.

NARA's ADR program, known as RESOLVE, has assisted the EEO Office in providing mediation services in EEO complaints and allegations of harassment. RESOLVE is an active program where employees can elect to participate at any stage in the EEO complaints and harassment processes. The RESOLVE program is well known and widely promoted throughout the agency in the EEO complaints process and for non-EEO matters. In FY 2023, the RESOLVE Program celebrated Conflict Resolution Day in October 2022. The Director of the RESOLVE Program posted a video on NARA's Internal Collaboration Network about the benefits of engaging in mediation and facilitation to resolve conflict.

Actions Planned or Taken to Improve the EEO Program

In FY 2023, NARA took the following actions in support of its EEO Program:

- NARA is proud to announce the acquisition of an EEO tracking system. We are currently in the early implementation stage and look forward to tracking cases electronically. This will support timely processing, automatic date calculations, and an efficient production of the Form 462 reporting.
- The EEO Office was approved to hire additional EEO staff.
- Reissued its EEO Policy Statement which reaffirm its commitment to fostering a work environment free from discrimination on August 24, 2023;
- Reissued its Anti-Harassment Policy statement which reaffirms its commitment to maintaining a work environment that is courteous, respectful, and free from harassing behaviors on August 24, 2023;
- Posted quarterly complaints data on NARA's website pursuant to the No FEAR Act

- at <https://www.archives.gov/eoo/policy/complaint-activity.html>;
- The No FEAR Act Notice is posted on NARA's website at <https://www.archives.gov/eoo/policy/no-fear-notice.html>;
- The FY 2023 Annual Report to Congress on the No FEAR Act will be posted on NARA's website at <https://www.archives.gov/eoo/policy/complaint-activity.html>;
- Provided an Overview of the EEO Office to all new hires. Employees are made aware of the mandatory EEO training available to NARA's Learning Management System. Prevention of Workplace Harassment is available for all employees; and
- Ensured that the mandatory annual refresher training was provided to the EEO Counselor and EEO Specialist.

XI. Adjustment to Budget

Section 203(a)(8) of the No FEAR Act requires that agencies include in their Annual Report to Congress information about "any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201." This section requires federal agencies to reimburse the Judgment Fund for any discrimination and whistleblower related settlements or judgments reached in Federal court.

- Not applicable

XII. Conclusion

NARA is a great place to work. It has succeeded in keeping measures in place to maintain a workplace free from discrimination. NARA's successes identified in this report are the results of the senior leadership's commitment to equality of opportunity and fairness for all employees. The Archivist of the United States continues to demonstrate her strong support with clear policy statements on EEO and Anti-Harassment that outlines her commitment to the workforce and ensures everyone is held accountable for making NARA a great place to work. In addition, NARA will continue to explore innovative and productive ways to value our employees and provide excellent service to the people we serve.

**NARA - Equal Employment Opportunity Data Posted Pursuant to the No
FEAR Act: For the 1st Quarter of FY 2024, Ending on December 31, 2023**

Complaint Activity 29 C.F.R. § 1614.704(a) – (c)	Comparative Data					10/01/2023 thru 12/31/2024
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Number of Complaints Filed	39	11	5	6	16	3
Number of Complainants	39	11	4	6	16	3
Repeat Filers	11	4	2	2	0	0

Complaints by Basis 29 C.F.R. § 1614.704(d) Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal the total complaints filed.	Comparative Data					10/01/2023 thru 12/31/2024
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Race	23	5	3	5	10	1
Color	16	2	0	3	5	0
Religion	0	1	0	1	1	0
Reprisal	22	7	5	4	8	0
Sex	18	5	3	4	7	0
National Origin	2	1	1	1	1	0
Equal Pay Act	0	0	0	0	0	0
Age	20	3	2	5	2	2
Disability	11	5	5	2	6	2
Genetic Information	0	0	0	0	0	0
Other & Non-EEO	0	0	0	0	2	0

Complaints by Issue 29 C.F.R. § 1614.704(e) Note: Complaints can be filed alleging multiple issues. The sum of the issues may not equal the total complaints filed.	Comparative Data					10/01/2023 thru 12/31/2024
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Appointment/Hire	0	1	0	0	0	0
Assignment of Duties	5	0	0	0	1	0

Awards	1	1	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0
Disciplinary Action						
Demotion	1	0	0	0	0	0
Reprimand (warning)	2	1	3	0	1	0
Removal	6	3	1	0	0	2
Suspension	5	0	0	0	0	0
Disciplinary Warning	1	1	1	0	1	0
Other	0	0	0	0	0	0
Duty Hours	1	0	0	0	0	0
Evaluation Appraisal	7	2	0	1	1	0
Examination/Test	0	0	0	0	1	0
Harassment						
Non-Sexual	16	4	2	5	14	1
Sexual	2	0	0	1	2	0
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	4	0	0	0	1	0
Promotion/Non-Selection	6	4	0	2	4	0
Reassignment						
Denied	6	0	0	0	0	0
Directed	0	0	1	1	0	0
Reasonable Accommodation	6	2	4	0	4	1
Reinstatement	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	3	0	0	0	3	0
Termination	2	0	1	0	0	1
Terms/Conditions of Employment	3	0	1	0	1	0
Time and Attendance	5	1	0	0	8	0
Training	2	0	1	0	3	1
Non-EEO	0	0	0	0	0	0

Processing Time 29 C.F.R. § 1614.704(f)	Comparative Data					10/01/2023 thru 12/31/2024
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Complaints Pending (for any length of time) During Fiscal Year	82	60	42	26	24	19
Average Number of Days in the Investigation Stage	186	149.6	99.3	101	224	287
Average Number of Days in Final Action Stage	165.49	71.84	165.1	90	101	157
Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Requested	32	32	30	20	2	5
Average Number of Days in Investigation Stage	202	155.37	59.3	221	193	298
Average Number of Days in Final Action Stage	150	75	187.4	39	38	192
Complaints Pending (for any length of time) During Fiscal Year Where Hearing Was Not Requested	25	8	9	4	20	14
Average Number of Days in Investigation Stage	206	119.5	143.5	108	183.4	199
Average Number of Days in Final Action Stage	109	54.3	113.5	44	119	123

Complaints Dismissed by Agency 29 C.F.R. § 1614.704(g)	Comparative Data					10/01/2023 thru 12/31/2024
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Total Complaints Dismissed by Agency	16	0	0	0	1	0
Average Days Pending Prior to Dismissal	106.38	0	0	0	64	0
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	2	1	3	0	1	0

Total Final Actions Finding Discrimination 29 C.F.R. § 1614.704(i)	Comparative Data										10/01/2023 thru 12/31/2024	
	Previous Fiscal Year Data											
	2019		2020		2021		2022		2023			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	0	0	0	0	0	0	0	0	0	0	0	0
Without Hearing	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
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Findings of Discrimination Rendered by Basis 29 C.F.R. § 1614.704(j) Note: Complaints can be filed Alleging Multiple Bases. The Sum of the Bases may not Equal Total Complaints and Findings.	Comparative Data										10/01/2023 thru 12/31/2024	
	Previous Fiscal Year Data											
	2019		2020		2021		2022		2023			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	0	0	0	0	0	0	0	0	0	0	0	0
Race	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
Religion	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
Sex	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
Age	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
Genetic Information	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
Findings After Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Race	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
Religion	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
Sex	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
Equal Pay Act	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
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	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

Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Race	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
Religion	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
Sex	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
Equal Pay Act	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
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	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

Findings of Discrimination Rendered by Issue 29 C.F.R. § 1614.704(k)	Comparative Data										10/01/2023 thru 12/31/2024	
	Previous Fiscal Year Data											
	2019		2020		2021		2022		2023		#	%
#	%	#	%	#	%	#	%	#	%			
Total Number of Findings	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	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
Awards	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
Disciplinary Action	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
Reprimand	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
Removal	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
Duty Hours	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
Examination/Test	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
Non-Sexual	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

Medical Examination	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
Promotion/Non-Selection	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
Denied	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
Reasonable Accommodation	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
Retirement	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
Terms/Conditions of Employment	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
Training	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
Findings After Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	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
Awards	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
Disciplinary Action	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
Suspension	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
Other	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
Evaluation Appraisal	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
Harassment	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
Sexual	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
Pay (Including Overtime)	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
Reassignment	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
Directed	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
Reinstatement	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
Termination	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
Time and Attendance	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
Other	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	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
Awards	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
Disciplinary Action	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
Suspension	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
Other	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
Evaluation/Appraisal	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
Harassment	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
Sexual	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
Pay (Including Overtime)	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
Reassignment	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

Directed	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
Reinstatement	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
Termination	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
Time and Attendance	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
Other	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years and by Status 29 C.F.R. § 1614.704(l)	Comparative Data					10/01/2023 thru 12/31/2024
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Total Complaints from Previous Fiscal Years	43	48	37	20	9	13
Total Complainants	39	44	32	26	8	12

Number Complaints Pending						
Investigation	6	18	4	4	11	16
Hearing	20	11	25	5	3	4
Final Action	7	7	8	0	2	2
Appeal with EEOC Office of Federal Operations	8	8	2	2	4	3

Complaint Investigations 29 C.F.R. § 1614.704(m)	Comparative Data					10/01/2023 thru 12/31/2024
	Previous Fiscal Year Data					
	2019	2020	2021	2022	2023	
Pending Complaints Where Investigations Exceeds Required Time Frames	16	24	3	1	2	3



Equal Employment Opportunity Policy Statement

Fiscal Year: 2023

Notice Number: 0141

Date: Friday, September 22 2023

To: All Employees

Subject: Equal Employment Opportunity Policy Statement

Once a year, we reaffirm our commitment to Equal Employment Opportunity (EEO) and reissue NARA's EEO Policy Statement. This is a policy we take seriously. We work diligently all year to ensure that this agency serves as a model in the federal workforce.

Our promises to you to make NARA a Great Place to Work and to Build Our Future Through Our People are built upon policies like this one. Please refresh your familiarity with the policy and do your part to ensure that equal employment opportunity is standard procedure here at NARA.

This policy has been distributed to all staff electronically. In addition, to ensure that all employees and the public are aware of NARA's commitment to EEO, managers and supervisors should post this policy where it will be visible to all staff and visitors.

For questions regarding this notice and the attached policy statement, contact the Office of Equal Employment Opportunity Programs (NEEO) at <https://www.archives.gov/eoo> or 301-837-0939.

DEBRA STEIDEL WALL
Deputy Archivist of the United States

Attachment: [2023 Equal Employment Opportunity Policy Statement](#)

For questions on this notice contact:

Erica Pearson, Office of Equal Employment
Opportunity Programs
erica.pearson@nara.gov
Room: 3310
National Archives at College Park
Phone: 301-837-0295
FAX:

Page last reviewed: September 22, 2023
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August 24, 2023

Equal Employment Opportunity Policy Statement

As the Archivist of the United States, I reaffirm my commitment to the principles of equal employment opportunity (EEO). As the Nation's record keepers, our success depends on the contributions of an inclusive workforce. The National Archives and Records Administration's (NARA) core values require us to collaborate, innovate, and learn by engaging with each other.

Federal laws and Presidential Executive Orders require that employees and applicants for employment have equal opportunities regardless of race, color, national origin, religion, sex (including pregnancy, sexual orientation, gender identity or transgender status), age (40 years of age or older), disability (mental or physical), family medical history or genetic information, retaliation for serving as a witness and/or engaging in EEO activity, marital status, political affiliation, and status as a parent. These protections extend to management practices and decisions through, outreach, recruitment and hiring practices, appraisal systems, promotions, training and career-development programs.

This EEO Policy Statement serves as a reminder that NARA will not tolerate discrimination, inappropriate behavior, and harassment of any kind in the workplace. Managers and supervisors must lead by example and are responsible for ensuring employees have a work environment that is free of discrimination, harassment, and retaliation. All of us are responsible for integrating EEO into our daily actions, conduct, and decisions as we strive to become a model workplace.

Any NARA employee or applicant for employment, who believes they have been subjected to discrimination or harassment based on one or more of the above-mentioned protected categories, should contact the Office of Equal Employment Opportunity Programs (NEEO) at 301-837-0939 within **45 days** of the alleged discriminatory action or incident. Additional information about EEO services can be obtained by contacting the EEO Office at NEEO@nara.gov, <https://www.archives.gov/eeo> or 301-837-0939.

Other avenues to address complaints, employees may contact the Office of Special Counsel at <https://osc.gov/> or (202)-804-7000 or the Merit Systems Protection Board at <https://www.mspb.gov/> or 202-653-7200.

Any employee who believes NARA has subjected them to workplace harassment can review NARA 396, Anti-Harassment Policy at https://work.nara.gov/nara_policies_and_guidance/directives/0300_series/nara0396.html or visit https://work.nara.gov/equal-employment-opportunity/harassment_prevention.html for information on how to report allegations of workplace harassment.

To resolve workplace disputes and EEO complaints, NARA promotes the use of alternative dispute resolution. For information on NARA's RESOLVE Program review NARA 320, RESOLVE: NARA's Alternative Dispute Resolution (ADR) Program at https://work.nara.gov/nara_policies_and_guidance/directives/0300_series/nara0320.html or visit https://work.nara.gov/staff_resources_and_services/employee_resources/adrmmain.html.

I expect your continued support in addressing and eradicating discriminatory behavior in the workplace. Working together, we will make NARA a "great place to work," one that values mutual respect, integrity, and teamwork.



DR. COLLEEN J. SHOGAN
Archivist of the United States

Anti-Harassment Policy Statement

Fiscal Year: 2023

Notice Number: 0142

Date: Friday, September 22 2023

To: All Employees

Subject: Anti-Harassment Policy Statement

Each year, we reissue NARA’s Anti-Harassment Policy Statement to reaffirm our commitment to providing a work environment free from all forms of harassment. A positive and supportive work environment is critical to the success of our agency’s mission.

Managers and supervisors must ensure that this policy statement is posted in areas visible to their employees. In addition, I encourage managers and supervisors to discuss the policy statement with staff to continuously promote respect, equity, and inclusion.

For questions regarding this notice and the attached policy statement, contact the Office of Equal Employment Opportunity Programs (NEEO) at <https://www.archives.gov/eeo> or 301-837-0939.

DEBRA STEIDEL WALL

Deputy Archivist of the United States

Attachment: [2023 Anti-Harassment Policy Statement](#)

For questions on this notice contact:

Erica Pearson, Office of Equal Employment
Opportunity Programs

erica.pearson@nara.gov

Room: Room 3310

National Archives at College Park

Phone: 301-837-0295

FAX:

Page last reviewed: September 22, 2023

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August 24, 2023

Anti-Harassment Policy Statement

Our Commitment

NARA is committed to maintaining a work environment that is courteous, respectful and free from harassing behaviors for its employees, contractors, volunteers, visitors, interns and customers. NARA will not tolerate harassment of any kind.

Harassment

Unlawful harassment is defined as any unwelcome verbal, non-verbal, or physical conduct based on race, color, religion, sex (including pregnancy and gender identity), national origin, age (40 or older), disability (mental or physical), genetic information, sexual orientation, marital status, political affiliation, status as a parent, or retaliation when:

1. An employee actually suffers a personal loss or harm with regard to a term, privilege, or condition of employment relating to any of the protected bases; or
2. The behavior can reasonably be considered severe or pervasive creating an intimidating, hostile, or offensive work environment.

Unlawful harassment undermines the integrity of employment relationships and interferes with work productivity. Harassing conduct may include, but is not limited to: bullying, slurs, derogatory or disrespectful remarks, spreading rumors, swearing, jokes, obscenities, incessant teasing, expressing or insinuating threats, threatened assault, hitting, punching, other unwanted touching, and malicious or insulting gestures.

Inappropriate Behavior

Inappropriate behavior is counterproductive behavior that is not suitable for the workplace. Inappropriate behavior deters from good order and discipline not within the bounds of what is considered appropriate or socially acceptable. Inappropriate behavior can range from minor incidents to serious offenses. Inappropriate behavior can include actions and/or behaviors, which cause grave offense to an individual that goes against the agency policy or practice. Although not every instance of inappropriate behavior may meet the legal definition of harassment, such behavior undermines morale and the Agency's mission. Some examples of such behavior may

include: disrespectful or abusive behavior towards another; swearing; teasing, insensitive or inappropriate jokes, petty slights, annoyances, and other isolated incidents (unless extremely serious).

NARA has appropriate measures to prevent harassment (sexual or non-sexual) in the workplace and to correct harassing behavior before it becomes severe or pervasive and inappropriate conduct/behavior before it becomes harassing in nature. Harassing behavior by a NARA employee does not need to rise to the level of unlawful harassment in order for it to constitute misconduct. Violations of NARA policy may result in administrative or disciplinary actions against offenders.

Sexual Harassment

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

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

Retaliation

In addition, NARA prohibits any retaliation against an employee who reports a concern about workplace harassment, other inappropriate behavior or assists in any inquiry about such a report.

Maintaining Confidentiality

NARA will protect the confidentiality of harassment allegations. All reports of harassing conduct and related information will be maintained on a confidential basis to the greatest extent possible.

Training

All managers and supervisors are required to take the anti-harassment training annually through NARA's Learning Management System (LMS). A NARA Notice will announce the mandatory training.

Reporting Allegations

All NARA employees are strongly encouraged to report misconduct, including discrimination or harassing behavior. Supervisors, volunteer coordinators, Contract Operating Representatives (CORs), and management officials must immediately report (usually within 48 hours of becoming aware of it) harassing conduct, or allegations of harassing conduct by others to any member of the Ad Hoc Committee on Harassment or directly to the Anti-Harassment Program Manager directly. Failure to report an incident of harassment may result in administrative action, including disciplinary action. Although supervisors are required to report allegations of harassing conduct to the committee, this policy does not prevent supervisors from taking any action they deem necessary to address inappropriate behavior when it occurs. NARA will conduct a prompt, thorough, and impartial investigation or fact-finding of allegations of harassment or inappropriate behavior. NARA will begin the fact-finding of allegations no later than 10 days of receipt and will complete the investigation within 60 days or less. NARA will also take immediate and appropriate corrective action when it determines that harassment or inappropriate behavior has occurred.

Report Incidents to Any of the Following Offices

Employees who believe they have been subjected to harassment should report the incident(s) to their supervisor or a manager in their chain of command or one of the members of the Ad Hoc Committee on Harassment which is comprised of officials from the Labor/Employee Relations and Benefit Branch (H; Office of General Counsel (NGC); and Office of Equal Employment Opportunity (NEEO). Employees can contact the Anti-Harassment Program Manager directly. See [NARA 396, Anti-Harassment Policy](#)

You may submit an incident to the Anti-Harassment Program Manager by:

1. Calling 301-837-0939;
2. Sending a fax to 301-837-0869; or
3. Sending an email to committeeonharassment@nara.gov

You may also submit an incident to Office of the Inspector General (OIG) by:

1. Calling the OIG Hotline:
301-837-3500 (Washington, DC metro area)
800-786-2551 (toll-free and outside the Washington, DC metro area)
2. Sending a document to:
OIG Hotline
NARA
P.O. Box 1821
Hyattsville, MD 20788-0821
Email: oig.hotline@nara.gov

3. Confidentially reporting online at:
<http://www.archives.gov/oig/referral-form/index.html>

Timeframes and Contacts for Filing an EEO Complaint

Employees who wish to file an EEO complaint alleging discrimination and/or harassment, should file a complaint within **45 calendar days** of the date of incident(s) to the Office of Equal Employment Opportunity (NEEO). See NARA 395 EEO Complaints Program for guidance or you may initiate an informal **EEO** complaint by:

1. Calling 301-837-0939;
2. Sending a fax to 301-837-0869; or
3. Sending an email to NEEO@nara.gov.

If all or part of the complaint is pursued under the negotiated grievance procedure covering bargaining unit employees, a grievance must be filed within **20 days** of the alleged incident, or **20 days** after the grievant becomes aware of the alleged incident. Personnel may contact their union representative at any time regarding discrimination and/or harassment.



DR. COLLEEN J. SHOGAN
Archivist of the United States



FY 2024 Annual Required Training for All Employees

Fiscal Year: 2024

Notice Number: 030

Date: Wednesday, November 29 2023

To: All Employees

Subject: FY 2024 Annual Required Training for All Employees

All NARA employees *must* complete annual required training by **February 13, 2024**.

The training consists of 13 modules organized into three categories:

- How we approach work.
- How we do business.
- How we get better.

Depending on your duties and responsibilities, you may be assigned additional training requirements.

Accessing the Training

- Go to the NARA Learning Center at nara.csod.com. You can access this training via any computer. *You do not need to use Citrix or VPN.*
- Log in by clicking the large blue “NARA Employee Login (PIV)” button.
- Look in the **Your Training Items** box on the Learning Center welcome page.
- Select [ART-AS-24] Annual Required Training for All Employees to begin the module.

The course should take approximately one hour to complete. You may complete the entire training in one sitting, or you may finish a portion and return as often as needed to complete the entire course. All lessons must be completed to receive credit. Once completed, the system will automatically record your status.

VALORIE FINDLATER
Chief Human Capital Officer

For questions on this notice contact:

Steven Flowers, Office of Human Capital
steven.flowers@nara.gov
Room: 1330
National Archives at College Park
Phone: 301-837-3557
FAX:

Page last reviewed: November 29, 2023
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Celebrating Conflict Resolution and Ombuds Day 2022

Fiscal Year: 2023

Notice Number: 08

Date: Thursday, October 13 2022

To: All Employees

Subject: Celebrating Conflict Resolution and Ombuds Day 2022

In October, the National Archives and Records Administration (NARA) joins other federal agencies and many other national, state, local, and tribal organizations in promoting and celebrating mediation and other means of conflict resolution as powerful, cost-effective strategies to resolve conflicts.

For over 20 years, [NARA's RESOLVE program](#) has provided efficient, cost-effective, and impartial methods for overcoming barriers to conflict resolution and for resolving workplace disputes, Equal Employment Opportunity (EEO) complaints, and administrative grievances. The voluntary use of alternative means of dispute resolution (ADR), such as mediation, ombuds services, and arbitration, often can provide faster, and more satisfying resolution of disputes than other more formal processes. In recognition of this, NARA encourages and supports the use of ADR and requires managers and supervisors to be knowledgeable about agency resources for alternative means of dispute resolution and to consider using ADR where appropriate. Nevertheless, the success of such methods depends on a good faith effort by all parties to reach a mutually agreeable resolution.

Please view [this short video](#) which describes the differences between mediation and facilitation and the type of support available to NARA employees through the RESOLVE program.

NARA's commitment to resolving disputes is also highlighted through the work of NARA's Office of Government Information Services (OGIS), which serves as the federal Freedom of Information Act (FOIA) Ombudsman. The [OPEN Government Act of 2007](#) elevated ADR in the FOIA process by directing agency FOIA Public Liaisons to assist in resolving disputes between requesters and agencies, establishing OGIS and requiring it to offer mediation services as a non-exclusive alternative to litigation. The FOIA Improvement Act of 2016 directed agencies to inform requesters of OGIS's mediation services at various points throughout the FOIA process, not just at the conclusion of the administrative process.

The American Bar Association has designated the second Thursday of October as Ombuds Day. Ombuds are a valuable part of ADR and provide significant benefit to organizations and their members. As confidential, impartial, and independent conflict management professionals, ombuds offer responsive and respectful services designed to aid problem solving, the development of options, and reducing the human and organizational costs of conflict. Ombuds share three professional standards (confidentiality, impartiality, and independence) and three definitional characteristics (informality, credible review process, and fairness).

OGIS's work as the FOIA Ombudsman is centered on several ADR principles, including that facilitating communication between the requester and the agency benefits the FOIA community as a whole. Since opening its doors in September 2009, OGIS has assisted thousands of FOIA requesters each year, handling inquiries from requesters and agencies alike.

I strongly support the use of ADR by NARA employees, OGIS stakeholders, and across the federal government, and ask that we all salute the ADR accomplishments of our colleagues on this occasion of the annual Conflict Resolution Day, October 20, 2022, and Ombuds Day, October 13, 2022.

DEBRA STEIDEL WALL

Acting Archivist of the United States

For questions on this notice contact:

Rana Khandekar, Director of RESOLVE, Office of the General Counsel
naheed.khandekar@nara.gov

Alina Semo, Director of Office of Government Information Services
alina.semo@nara.gov

3/21/24, 11:33 AM

Celebrating Conflict Resolution and Ombuds Day 2022

Room: 3110
National Archives at College Park
Phone: 301-837-2926
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Room: A702
Federal Register
Phone: 202-741-5771
FAX:

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RESOLVE Program



“Improving communication and the quality of workplace

relationships are two of my top priorities at NARA. The success of our agency and in fulfilling our mission depends on how well we work together to accomplish our critical goals. RESOLVE has proven to be effective at assisting NARA employees across the agency with various issues related to their jobs. As we face new and important challenges, I encourage you to take advantage of this valuable resource whenever the need arises.”

—David S. Ferriero, Archivist of the United States

What is Mediation?

Mediation is a process where parties meet with a neutral mediator to attempt to resolve a dispute collaboratively. The mediator helps the parties communicate their interests, define issues, and eliminate obstacles to communication, while moderating and guiding the process to avoid confrontation and ill will. The mediator will seek concessions from each side during the mediation process.

Why Should I Use Mediation?

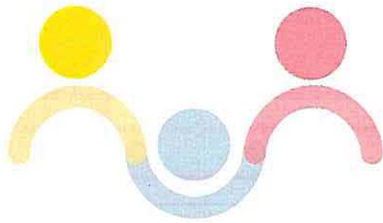
While conflict is a normal part of our daily lives, it is often uncomfortable and counterproductive in the workplace. When you find yourself in a dispute with a fellow employee, manager, or other colleague, mediation can help you resolve issues in a private, confidential, and timely manner.

Reasons for using mediation include:

- **NO RISK.** You may retain the right to address the issue formally (e.g., Equal Employment Opportunity (EEO) or grievance procedures).
- **VOLUNTARY.** You choose whether to participate at every stage of the process.
- **CONFIDENTIAL.** You speak without fear that your statements will be used against you in another proceeding.
- **IMPARTIAL.** You express your issues and concerns in a judgment-free environment.
- **SELF-DETERMINING.** You control the outcome.
- **FAST.** You have the opportunity to be heard without the lengthy timelines often associated with the traditional adversarial processes.
- **PRESERVES RELATIONSHIPS.** You resolve your dispute while building a better relationship with the other party.
- **CREATIVE.** You develop innovative solutions and move away from the typical win/lose results of more adversarial proceedings.



Questions? For questions or mediation requests, please contact Rana Khandekar, Director of RESOLVE, Office of General Counsel (NGC), by email naheed.khandekar@nara.gov or at 301-837-2926.



Where Can I Find More Information on RESOLVE? Please see NARA 320 for more information on the RESOLVE program.

How Does Mediation Work?

Mediation generally begins with a joint session to set an agenda, define the issues, and ascertain the positions and concerns of the parties. Thereafter, the parties separately meet with the mediator, who is a professional neutral from outside of NARA, to allow each side to explain and enlarge upon their position and mediation goals in confidence. The mediator may ask questions which may well serve to create doubt in an advocate's mind over the validity of a particular position. In these conversations, the mediator helps the parties try to find an appropriate way to solve their problem.

What May Mediation Be Used For?

NARA employees may use mediation to address any matters of concern relating to their employment. This can range from conflict between peers to an EEO or grievance case.

What Happens If My Dispute Is Not Resolved?

If you have reserved your right to file in any of the applicable administrative forums (e.g., EEO and grievances), you may return to those formal processes to work through your dispute. Participating in mediation does not preclude you from using other processes as long as you meet all timelines and filing requirements.

How Can I Negotiate Effectively and Build Trust?

The other party will be more receptive to your perspective if you demonstrate that you are genuine, engaged, and focused on finding a fair solution. By being a committed listener, you will build trust and encourage productive dialogue during the session.

- **BE A COMMITTED LISTENER:** Choose to be committed to hearing what the other party will say as though it were you speaking. Step outside your role as strictly a supervisor or subordinate and engage on a more human level. Look for the deeper meaning in what the other person may share, rather any weaknesses in that person's statements.
- **DEMONSTRATE YOUR UNDERSTANDING:** Show that you heard the other party's needs, interests, and feelings by referring to them. Summarize that person's remarks without watering them down.
- **START BY LISTENING:** By listening first, you can draw out the other party's ideas and target your response and ideas to the other party more effectively.
- **FRAME YOUR RESPONSE:** Understand the language, perspectives, and experiences of the other party and frame your message in terms that are likely to make sense inside the other party's framework of experience.
- **SHARE YOUR INTERESTS:** Share your interests (why you want something) rather than simply your position (what you want).

How is NARA organized to support Alternative Dispute Resolution (ADR)?

The RESOLVE program provides mediation and facilitation services for NARA employees. While housed in the Office of General Counsel (NGC), the program is separate from NGC's role as an advocate and RESOLVE is completely neutral. NARA's Dispute Resolution Specialist is Gary M. Stern, General Counsel to NARA. The Director of RESOLVE, Rana Khandekar, serves as a neutral for all matters referred to the program and uses external neutral third parties to conduct mediations and facilitations.



Questions? For questions or mediation requests, please contact Rana Khandekar, Director of RESOLVE, Office of General Counsel (NGC), by email naheed.khandekar@nara.gov or at 301-837-2926.