



Surface Transportation Board  
Washington, D.C. 20423-0001

Office of the Chairman

## Memorandum

**TO:** All Employees **DATE:** May 17, 2023  
**FROM:** Chairman Martin J. Oberman  
**SUBJECT:** Prevention and Elimination of Harassing Conduct in the Workplace

The Surface Transportation Board (STB) remains committed to a harassment-free work environment and to the prevention of harassing conduct. Harassment of any kind is unlawful and will not be tolerated at the STB.

*Harassment* is defined as any unwelcome conduct that is based on race, color, sex (either sexual or non-sexual, including pregnancy, sexual orientation, gender identity, and gender stereotyping), national origin, religion, age (40 years and older), disability (physical and/or mental), genetic information, and/or retaliation for opposing discrimination or participating in the Equal Employment Opportunity (EEO) process. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of employment, or when the conduct is severe or pervasive enough to create a hostile work environment.

*Sexual Harassment* is defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions effecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to the victim.

The STB will take immediate and appropriate action after an allegation of harassment is made or after a determination is made that harassing conduct has occurred. All STB staff are responsible for maintaining a work environment free from harassment. Any person who believes that they have been harassed or witnessed harassing conduct should bring their concerns immediately to the attention of the appropriate management officials, as outlined in STB's procedures for the prevention and elimination of workplace harassment. The STB *Anti-Harassment Procedures* are detailed in [STB Administrative Issuance No. 5-828](#). Pursuant to these procedures, individuals may report an incident to a management official in their supervisory chain, the Human Resources Director, or the EEO Director. A supervisor or manager who is aware of harassment and fails to take prompt action may face disciplinary action.

If the STB receives an allegation of harassment, or has reason to believe that harassment is occurring, the agency will take the necessary actions to ensure that the matter is promptly addressed. There will be no retaliation against employees who make a good faith report of harassing conduct or who assist in any inquiry regarding such a report. Upon receipt of such a report, the appropriate management official will investigate the allegations and take appropriate corrective or disciplinary action, to ensure that no further harassing conduct occurs. Reports of harassing conduct and documents concerning an investigation will be kept confidential to the fullest extent possible.

This policy is separate and apart from any statutory complaint process that also covers harassment, such as the EEO complaint process. To initiate the EEO complaint process, an employee must contact an EEO counselor within 45 calendar days of the alleged harassment.

Employees and applicants for employment at the STB who believe they have been subjected to any form of discrimination, harassment, or reprisal and who wish to pursue an EEO complaint must contact an EEO Counselor/the Office of Equal Employment Opportunity within 45 calendar days of the date of the alleged discriminatory, harassing or reprisal action. In the case of a personnel action, contact must be made within 45 calendar days of the effective date of the personnel action.

For further information about the STB's policy on anti-harassment and for technical advice on anti-harassment, filing a complaint of discrimination or other EEO-related matters, please contact the Office of Equal Employment Opportunity (OEEO) at (202) 360-9302 or email [eeo@stb.gov](mailto:eeo@stb.gov). The OEEO also provides alternative dispute resolution services for workplace disputes.