



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

MEMORANDUM

TO: All Surface Transportation Board Employees
FROM: Martin J. Oberman, Chairman 
DATE: March 15, 2021
SUBJECT: Anti-Harassment Policy Statement

The Surface Transportation Board (STB) is 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 where enduring the offensive conduct becomes a condition of employment, or where 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 or discharge of the victim.

It is the STB's policy to take immediate and appropriate action after an allegation of harassment is made or after a determination that harassing conduct has occurred. All STB staff are responsible for maintaining a work environment free from harassment. A supervisor or manager who becomes aware of harassment is required to take immediate and appropriate corrective action to ensure that the harassment does not continue. A supervisor or manager who is aware of harassment and fails to take prompt action may face disciplinary action. Employees should report possible incidents of harassment to their immediate supervisor or the next level in their chain of command, the EEO Office, or the Office of Human Resources. Employees who make a good faith report of harassing conduct or who assist in any inquiry regarding such a report are protected from retaliation. The STB will investigate allegations of harassment and take appropriate corrective or disciplinary action, up to and including removal. Reports of harassment 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 pursue an EEO complaint, an employee must contact the STB's EEO Office within 45 calendar days of the alleged harassment.

For further information about the STB's policy on anti-harassment, please see STB Administrative Issuance 5-828, Anti-Harassment Procedures, which can be found on the STB's intranet [here](#), or contact the STB's EEO Office at (202) 245-0289 or eeo@stb.gov.