

GENERAL SERVICES ADMINISTRATION  
Washington, DC 20405

ADM 2325.8A  
August 21, 2023

GSA ORDER

SUBJECT: General Services Administration (GSA) Policy Statement on Harassment, Including Sexual and Non-sexual

1. Purpose. This directive defines and prescribes the GSA policy on harassment (sexual harassment, non-sexual harassment, and sexual misconduct). This policy supports GSA's well-established commitment to providing a workplace free from harassment. This policy ensures that GSA is taking all reasonable steps to prevent harassment from occurring and to address such conduct before it becomes unlawful.

2. Background. Harassment in the Federal workplace is defined as any unwelcome conduct, including oral, written, physical or on-line conduct, based on an individual's membership in a group as described in Section 7(b) below. Harassment also includes retaliation, which is adverse action taken against an individual because the individual reported harassment, supported another individual's harassment claim, or opposed harassing conduct.

3. Responsibilities.

a. The Associate Administrator for GSA's Office of Civil Rights (OCR) is responsible for developing and disseminating this policy.

b. The Chief Human Capital Officer for GSA's Office of Human Resources Management (OHRM) is responsible for administering [GSA's Anti-Harassment Procedures in the Workplace](#) (Anti-Harassment Procedures).

c. Managers and supervisors are responsible for carrying out the provisions of this policy by: (i.) maintaining an environment free from harassment; (ii.) ensuring that individuals who engage in protected EEO activity are not subject to retaliation; (iii.) cooperating with investigations of harassment complaints; and (iv.) reporting to OHRM any harassing conduct witnessed, or reports or complaints of harassing conduct received.

d. Employees are responsible for abiding by this policy by promptly reporting any conduct that violates this policy, and fully cooperating in any investigation of harassment.

4. Scope and Applicability. This order applies to all GSA employees, former employees, and applicants for employment with GSA, with the following exceptions:

a. The Office of Inspector General. The Office of Inspector General (OIG) has independent personnel authority. See GSA Order ADM P 5450.39D GSA Delegations of Authority Manual (Delegations Manual), Chapter 2, Part 1 (“the Inspector General has independent authority to formulate policies and make determinations concerning human capital issues within the [OIG]” and GSA determinations/delegations do not limit that authority). Similarly, GSA specifically recognizes that the Inspector General has independent authority to formulate policies and make determinations concerning training, employee development, and career management; and

b. The Civilian Board of Contract Appeals. This policy applies to personnel of the Civilian Board of Contract Appeals (CBCA) only to the extent that the CBCA determines it is consistent with the CBCA’s independent authority under the Contract Disputes Act and it does not conflict with other CBCA policies or the CBCA mission.

5. Cancellation. This policy cancels GSA Order, ADM 2325.8 *GSA’s Policy Statement on Harassment, including Sexual and Non-sexual*, dated December 18, 2015, and rescinds and replaces any and all existing policy statements in GSA Regional offices regarding harassment, including sexual harassment and sexual misconduct.

6. Summary of Changes. This order is updated to include:

- a. an explanation of the distinction between GSA’s two reporting processes for harassment and how to pursue a harassment complaint through both processes;
- b. updated information on optional processes for filing sexual orientation and gender identity complaints;
- c. added language on related processes for various types of complaints; and
- d. references and hyperlinks to relevant laws, executive orders, GSA policies, and anti-harassment guidance.

7. Policy.

a. GSA is committed to providing a workplace free from all forms of harassment, including sexual and non-sexual harassment. GSA strictly prohibits and does not

tolerate harassing conduct that adversely affects the work environment, impacts tangible job benefits, or unreasonably interferes with the performance of the Agency's business. Individuals who report harassment, whether sexual or non-sexual, are protected against any adverse action taken because they exercised their rights under this directive.

b. Harassment, as used in this directive, refers to any unwelcome conduct—including oral, written, physical, or on-line conduct—based on race, national origin, color, religion (belief, practice, or observation), sex (including sexual orientation, pregnancy, gender identity), age, disability, genetic information (including family medical history), retaliation, marital status, parental status, or political affiliation.

c. Sexual harassment, as used in this directive, means any conduct based on an individual's sex, without limitation, through oral or written communication, gestures, physical contact, sexual advances or requests for sexual favors, including when:

i.) submission to or tolerance of such behavior is made either explicitly or implicitly a condition of employment; or

ii.) submission to, tolerance of, or rejection of such behavior is used as the basis for an employment decision; or

iii.) such behavior has the purpose or effect of substantially or unreasonably interfering with an employee's ability to perform their work or creates a work environment which is intimidating, threatening, coercive, humiliating, belittling, or offensive to a reasonable person.

d. Sexual misconduct, as used in this directive, means any conduct of a sexual nature by or between employees that interferes with the performance of their official duties or the official duties of other employees, including conduct that results in or gives the appearance of favoritism in employment decisions concerning one of the participants.

8. Reporting Harassment. Harassment may be reported through two processes and an individual may pursue both processes at the same time.

a. GSA's Anti-Harassment Procedures. Any employee who believes that they have been the victim of non-sexual harassment, sexual harassment, or sexual misconduct must follow the procedures outlined in GSA's Anti-Harassment Procedures. Reporting harassment allegations under the Anti-Harassment Procedures allows the Agency to promptly address the allegations and determine whether disciplinary action is warranted.

An employee may report harassment under GSA's Anti-Harassment Procedures to their first-line supervisor, another management official in the employee's supervisory chain, or the Anti-Harassment Coordinator assigned to their office.

b. GSA's Equal Employment Opportunity (EEO) Procedures.

i.) An employee, former employee, or applicant for employment who wishes to initiate an EEO complaint arising out of an alleged incident of harassment, including sexual harassment or sexual misconduct, must contact an EEO official in OCR within **45** calendar days of the date of the last act of the alleged harassment. Even if unwelcome harassment is reported to a supervisor, management official, or OHRM, in order to proceed under the EEO process, the complaint must also be filed with OCR within 45 days of the last act of the alleged harassment.

ii.) If an individual contacts OCR regarding claims of unlawful harassment, OCR will advise the individual: (1) how to pursue the complaint through the EEO complaint process; (2) of OCR's reporting obligation to GSA's Anti-Harassment Program; and (3) that the confidentiality of the harassment complaint will be protected to the extent possible. Subsequent to the contact, OCR will notify the Anti-Harassment Program of the harassment allegation for appropriate processing.

iii.) The most efficient way to initiate an EEO complaint related to harassment is by using eFile (available at [insite.gsa.gov/efile](https://insite.gsa.gov/efile)). An EEO complaint may also be initiated by contacting OCR by email ([eeo@gsa.gov](mailto:eeo@gsa.gov)); by phone (202-501-4571) or Speech-to-Speech Relay: 800-898-0740. To file an EEO complaint by mail, contact OCR. For detailed information on filing a harassment complaint through the EEO process, see [GSA's Policy Statement on Equal Employment Opportunity](#) and the [Civil Rights Handbook](#).

iv.) The process under GSA's Anti-Harassment Procedures does not affect an employee's right to file an EEO complaint, nor does it change the required timelines for filing such a complaint. Employees may access either or both processes.

c. The EEO complaint process and the Anti-harassment Procedures process are separate and distinct. The EEO complaint process is designed to make individuals whole for discrimination that has already occurred, correct unlawful harassment, and prevent it from happening again. GSA's Anti-harassment Procedures process seeks to address and resolve harassing conduct before it ever reaches the level of discrimination, as defined under the anti-discrimination laws.

9. Sexual Orientation and Gender Identity. For harassment claims involving sexual orientation or gender identity, in addition to the reporting processes and procedures stated in Paragraph 8 above, an individual may also seek assistance, as appropriate, from the [U.S. Office of Special Counsel](#) (OSC).

10. Parental Status, Marital Status, or Political Affiliation Claims.

- a. For harassment claims based on parental status, marital status, or political affiliation, an individual may use the reporting processes and procedures stated in Paragraph 8 above. With respect to the EEO process, an individual may utilize the EEO pre-complaint (informal) process, which includes EEO counseling and alternative dispute resolution. However, these claims may not proceed under the formal EEO complaint process because the laws covering parental status, marital status, and political affiliation claims are not enforced by the EEOC.
- b. Additionally, an individual may pursue harassment claims based on parental status, marital status, or political affiliation with [OSC](#). An appeal of certain employment actions based on marital status or political affiliation may be submitted to the [U.S. Merit Systems Protection Board](#). Please be advised that attempts to resolve these claims through GSA's informal EEO process may not suspend the time frames for pursuing such claims in other administrative forums.

11. References.

- [Title VII of the Civil Rights Act of 1964](#);
- [The Age Discrimination in Employment Act of 1967, as amended](#);
- [The Rehabilitation Act of 1973, as amended](#);
- [The Pregnancy Discrimination Act of 1978](#);
- [Title 29 Code of Federal Regulations Part 1614](#);
- [The Genetic Information Nondiscrimination Act of 2008](#);
- [Civil Service Reform Act of 1978](#) (marital status and political affiliation);
- [Executive Order 13152 Further Amendment to Executive Order 11478, Equal Employment Opportunity in Federal Government](#) (parental status);
- [Executive Order 11478](#);
- [Executive Order 13672](#) (sexual orientation and gender identity)
- [Notification and Federal Employee Anti-Retaliation Act of 2002](#);

- [Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020](#)
- [Pregnant Workers Fairness Act](#);
- [Providing Urgent Maternal Protections for Nursing Mothers Act](#);
- [EEOC Enforcement Guidance: Vicarious Liability for Unlawful Harassment by Supervisors](#); and
- [GSA's Anti-Harassment Procedures in the Workplace](#).

12. Signature.

/S/  
ROBIN CARNAHAN  
Administrator