



INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER  
UNITED STATES SECTION

**Memorandum**

**For Action**  
January 25, 2021

**To:** All USIBWC Employees  
**From:** Jayne Harkins, P.E., Commissioner, United States Section  
**Subject:** Anti-Harassment Policy Statement

1. Authority: EEOC Management Directive 715, which establishes that model Equal Employment Opportunity (EEO) programs must issue policies and procedures for addressing all forms of harassment. Federal agencies must create a work environment that is free from sexual and non-sexual harassment.
2. This policy applies to all personnel assigned to the United State Section, International Boundary and Water Commission (USIBWC).
3. It is the policy of the USIBWC that all personnel uphold a culture that fosters high professional standards and respect. Creating and maintaining an environment free from harassment is essential to successfully accomplishing our mission.
4. Title VII of the Civil Rights Act of 1964, as amended, defines harassment as unwelcome conduct based on race, color religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful where: a) enduring the offensive conduct becomes a condition of continued employment; or b). the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. The USIBWC has no tolerance for harassment. Allegations of workplace harassment, sexual and non-sexual, will be promptly, thoroughly, and impartially investigated and, where appropriate, corrective action will be taken.
5. All USIBWC personnel are required to receive anti-harassment training annually or as often as determined by the agency head, and are responsible and accountable for acting promptly to prevent and eliminate harassment. Every employee is also responsible for consistent, equitable, and professional behavior toward others. Employees are prohibited from engaging in harassing behaviors that offend, intimidate, or interfere with the work performance of others. Any person who believes he or she has been the subject of harassment or who observes harassing conduct is expected to immediately report the matter to a management official or supervisor, the Equal Employment Opportunity Office, or the Human Resources Office.
6. Reports of harassment are confidential to the fullest extent possible without impeding an investigation into the allegations. Management officials will refer allegations of misconduct to the Human Resources Office within 5 business days of notification. The official will consult with the Human Human Resources Office and the Office of Legal Counsel in considering the appropriate corrective or disciplinary action, up to and including removal, to ensure that no further harassing conduct occurs. Management officials within the USIBWC have a duty to carry out their responsibilities under this policy, and failure to do so can result in disciplinary action.
7. Inappropriate and unprofessional conduct, such as misconduct based on marital status or political affiliation, may not qualify as Title VII harassment; however, the conduct may still violate Merit Systems Protection principles as a prohibited personnel practice under 5 U.S.C. § 2302.
8. Title VII of the Civil Rights Act of 1964 also prohibits retaliation against individuals who file a Title VII discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under

Title VII. Retaliation is also prohibited against individuals who oppose employment practices that they reasonably believe violate anti-discrimination laws. USIBWC officials must not retaliate against employees for reporting harassment.

9. Confidentiality in the Equal Employment Opportunity (EEO) complaint process must be consistent with EEO regulations and the Privacy Act, and an environment that encourages employees to report harassing behavior must be a part of USIBWC culture. There can be no retaliation against individuals who engage in protected activity.

10. It is important to note that the anti-harassment process does not affect an employee's right to file an EEO complaint, nor does it alter required timelines for filing an EEO complaint. To initiate the EEO complaint process, an employee must contact an EEO official within 45 calendar days of the alleged harassment. To ensure effective communication regarding complaint processing procedures and affirmative employment, all USIBWC managers and supervisors shall familiarize themselves with the current USIBWC Directive S.D.I.07024, " Anti-Harassment Policy and Procedures," February 18, 2016, which establishes the policies, responsibilities, and procedures for our program. You can access this Directive in the agency's internal share drive: [V:\Directives\Mission Support](#).

11. For more information on the EEO Program, please contact the Mrs. Frances Castro, Officer, Equal Employment Opportunity Office, at (915) 832-4112, email: [frances.castro@ibwc.gov](mailto:frances.castro@ibwc.gov). For information on the Anti-Harassment Program for non-EEO issues, please contact the Human Resources Office at 915-832-4114.

12. I am counting on every employee to be proactive in preventing harassment and maintaining an atmosphere of respect and professionalism.