



Smithsonian
Institution

SMITHSONIAN CIVIL PROGRAM HANDBOOK,

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**HANDBOOK FOR SD 217 AND SD 225
SI CIVIL PROGRAM PROCEDURES AND GUIDANCE**

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INTRODUCTION

This handbook provides further guidance and Smithsonian Institution-wide procedural requirements under which Smithsonian Institution (“SI” or “Smithsonian”) employees and affiliated persons should report and respond to allegations of harassment, threats, intimidating behavior, or potentially violent situations. Employees and affiliated persons should refer to [SD 217](#), *Workplace Violence Prevention Policy*, and [SD 225](#), *Anti-Harassment Policy* (“the policies”) when reading through this handbook. The program that manages these two policies is called the “[SI Civil Program](#)”.

The procedures contained in this handbook and any related guidance will assist the Smithsonian in fulfilling its obligations to: (1) prevent potentially violent situations from occurring in the workplace; (2) address harassing behaviors before it becomes severe or pervasive; (3)

when necessary, conduct a prompt, objective, and thorough investigation into reports of harassment or workplace violence-related incidents; and (4) take immediate and appropriate corrective action when SI determines that a violation of either policy has occurred.

It is the responsibility of Smithsonian managers and supervisors to maintain a harassment-free and safe work environment and to take prompt and effective action when situations covered by the policies arise. The success of the SI Civil Program requires the commitment of all Smithsonian employees and affiliated persons. Responsible Smithsonian staff and offices are listed below, and specific responsibilities are detailed in the two policies.

- Employees and Affiliated Persons;
- Supervisors, Mentors, Advisors, and Sponsors;
- Unit and Program Directors;
- SI Civil Coordinator;
- Administrative Investigator;
- Office of Human Resources (OHR);
- Office of Human Resources — Labor and Employee Relations Branch (OHR-LER);
- Workplace Violence Prevention Response Team (Response Team);
- SI Civil Program Advisory Committee (SI Civil PAC);
- Office of Protection Services (OPS);
- Employee Assistance Program (EAP);
- Ombuds;
- Office of Equal Employment and Supplier Diversity (OEESD);
- Office of General Counsel (OGC), and
- Office of Fellowships and Internships (OFI).

PART 1: DEFINITIONS

Administrative Investigation or Inquiry. An impartial investigation related to the non-criminal conduct, actions, or performance of an employee or affiliated person to determine whether such conduct or actions violates Smithsonian policies.

Administrative Investigator. An individual, whether internal to Smithsonian or a third-party contract investigator, who conducts the administrative investigation and prepares the fact-finding report.

Affiliated Persons. This term refers to the following categories of individuals who are not Smithsonian employees, but who are regularly present and/or work within Smithsonian facilities and property, including Smithsonian leased facilities and property:

- Contractors who perform work that is similar to Smithsonian employees, such as temporary help firms' employees;

- Other contractors, such as construction contractors and food service contractors' employees;
- Volunteers, as defined in SD 208, *Standards of Conduct Regarding Smithsonian Volunteers*;
- Interns, as defined in SD 709, *Smithsonian Institution Interns*;
- Fellows, as defined in SD 701, *Smithsonian Institution Fellows*;
- Research associates, as defined in SD 205, *Smithsonian Institution Research Associates*;
- Emeriti, as defined in SD 206, *Emeritus Designations*;
- Friends of the National Zoo (FONZ) employees;
- Smithsonian Early Enrichment Center (SEEC) employees;
- Visiting researchers, including scientists, scholars, and students;
- Employees of federal, state, and local agencies working with Smithsonian employees at Smithsonian facilities and property; and
- Regents and advisory board members.

Domestic Violence. A pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship. It includes physical, sexual and psychological attacks, and economic control.

Employee Assistance Program. The EAP promotes the health, well-being, and productivity of employees by helping them resolve personal problems. The program offers professional short-term and emergency counseling, problem assessment, referral to community resources for assistance with specialized or longer-term problems, and continuing support throughout the problem-solving period. The program also advises and provides training for supervisors confronted with work-related effects of employee health problems and other concerns. Refer to Chapter 792 in SDs 212 and 213, the *Federal and Trust Personnel Handbooks*, respectively, for more information about the EAP.

Fact-Finding Report. A written report prepared by an administrative investigator at the conclusion of an administrative investigation or inquiry. The information contained in the Fact-Finding Report will include a summary of all investigative steps taken and evidence gathered. The report will be provided to the SI Civil Coordinator and the appropriate management official responsible for taking corrective action.

Harassing Conduct. The conduct prohibited by SD 225, *Anti-Harassment Policy* includes, but is broader than, the legal definition of harassment covered by the EEO complaint process, which is administered by OEESD. The conduct described below is prohibited even if the actions are not based on a protected characteristic such as race or disability.

Harassing conduct prohibited by this policy is defined as unwelcome conduct, that a reasonable person would find objectionable, when:

1. the behavior can reasonably be considered to adversely affect the work environment; or

2. an employment decision affecting the employee or affiliated person is based upon the employee's or affiliated person's acceptance or rejection of such conduct.

Harassing conduct can be verbal or physical; it can occur in-person, through phone calls or in writing, or through social media, or other forms of technology. Petty slights, annoyances, and isolated incidents (unless extremely serious) will generally not rise to the level of harassment. Generally, a dispute or conflict related to work assignments or performance will also not rise to the level of harassment. Employees and affiliated persons should be aware that any misconduct, regardless of whether it rises to the level of harassment, may result in disciplinary action. Examples of harassing conduct covered by this policy include, but are not limited to:

- racial epithets or slurs;
- stereotyping;
- sexual advances;
- sexually explicit/graphic material;
- inappropriate jokes/pranks; and
- other bullying or abusive behaviors (e.g., repeated and malicious work sabotage, slander, ridicule, or verbal abuse)

Intimidating Behavior. Conduct which, in the opinion of a reasonable person, creates a troubling/disturbing environment, impairs agency operations, or frightens, alarms, or inhibits others. This may include making statements which are false, malicious, disparaging, derogatory, or abusive. Physical intimidation may include holding, impeding or blocking movement, following, stalking, touching, or other inappropriate physical contact or advances, including attacks involving the use of a weapon. It may also include actions such as hitting, punching, pushing, poking, or kicking.

Office of Equal Employment and Supplier Diversity. OEESD ensures compliance with regulatory guidelines and SI-wide policies by directing, overseeing, facilitating, and reporting on all aspects of equal opportunity in SI's employment and business relationships. Among OEESD's many functions are processing Equal Employment Opportunity (EEO) complaints of discrimination, facilitating training related to equal employment opportunity information (including harassment), and providing an annual report to the Equal Employment Opportunity Commission (EEOC).

Office of General Counsel. OGC attorneys provide legal advice and counsel to SI Civil and Smithsonian management officials on various issues related to these policies, including misconduct cases and administrative investigations.

Office of Human Resources — Labor and Employee Relations Branch. The LER branch serves as a professional resource to managers, supervisors, and employees for work-related issues, including guiding them through taking corrective action when a violation of either policy has occurred. LER helps create and maintain an environment of excellence by acting as a point of contact, and providing guidance in areas such as employee misconduct, performance management, and grievances.

Office of Protection Services. OPS ensures the safety and security of SI staff, visitors, collections and facilities by identifying, assessing, and prioritizing threats and how to most effectively address those threats. OPS personnel working in conjunction with SI Civil on responding to reports of threats or incidents of workplace violence.

Ombuds. A neutral party to whom employees and affiliated persons can bring any work-related problem, concern, or complaint that cannot be resolved through normal channels. The Ombuds will respect confidentiality when requested and is not required to report to SI Civil, except to address an imminent risk of serious harm.

Retaliation It is a violation of [SD 225](#), *Anti-Harassment Policy* and [SD 217](#), *Workplace Violence Prevention Policy* to retaliate against employees or affiliated persons who engage in protected activity under either policy. Protected activity includes reporting a concern under either policy or providing information related to such reports. A manager may not fire, demote, harass, or otherwise take any personnel action against an individual for engaging in protected activity.

SI Civil Program (SI Civil). A team of Smithsonian experts and specialists who help prevent and respond to harassment and workplace violence by: managing [SD 217](#), *Workplace Violence Prevention Policy* and [SD 225](#), *Anti-Harassment Policy*; educating Smithsonian employees and affiliated persons on policies and reporting processes; providing guidance to Smithsonian management officials, employees, and affiliated persons; assessing allegations to determine the appropriate management response; and immediately responding to violent or potentially violent incidents or threats.

SI Civil Program Advisory Committee (SI Civil PAC). The SI Civil PAC consists of the SI Civil Coordinator and representatives from the Office of the Under Secretary for Administration, OPS, OHR-LER, EAP, OGC, the Ombuds, OEESD, and OFI. The SI Civil PAC reports to the Under Secretary for Administration and will meet regularly to assess the SI Civil Program, evaluate its effectiveness, and recommend specific changes.

SI Civil Coordinator. An individual who serves as the Smithsonian's Anti-Harassment and Workplace Violence Prevention Coordinator and manages SI Civil, including the reporting process. Smithsonian employees and affiliated persons may contact SI Civil for assistance by phone, email, or by visiting the [SI Civil website](#) on the Smithsonian intranet (Prism) and the public-facing Smithsonian website.

Threat. Any expression or gesture that could be interpreted by a reasonable person as conveying intent to cause physical harm to persons or damage to property.

Workplace Violence. Any act, occurring in the workplace, that endangers, harms, or threatens to harm employees, affiliated persons, or property, or behavior which results in an employee or affiliated person having a reasonable belief of being in physical danger. Workplace violence includes threats and intimidating behaviors, as defined above. The list below reflects some common behaviors that may be indicative of potentially harmful or violent behavior. Some examples of behaviors covered in [SD 217](#), *Workplace Violence Prevention Policy* include:

- making direct or veiled threats;
- engaging in intimidating, belligerent, harassing, or otherwise aggressive behavior;
- having multiple inappropriate or aggressive confrontations with a supervisor, employee, or affiliated person;
- bringing a weapon to the workplace, making inappropriate references to guns, or having a fascination with weapons;
- having a fascination with incidents of workplace violence or making statements that approve the use of violence to resolve problems;
- making statements that reflect feelings of desperation and/or hopelessness regarding work, family, financial, or other personal problems; and
- exhibiting extreme and/or uncharacteristic changes in personality or behavior.

Workplace Violence Prevention Response Team (Response Team). The Response Team consists of the SI Civil Coordinator, who calls the team together, and representatives from the OPS, OHR-LER, EAP, OGC. The Ombuds and representatives from other units will join the Response Team on an ad hoc basis, depending on the situation and the individuals involved. The Response Team receives direction from the SI Civil Coordinator and will meet on an *ad-hoc* basis to assess whether individuals pose a threat, investigate reports of behaviors covered by [SD 217](#), *Workplace Violence Prevention Policy*, identify individuals in need, and provide assistance to prevent workplace violence.

PART 2: SI CIVIL PROGRAM OVERVIEW

Introduction. In seeking to maintain a work environment that is free of workplace violence or harassment the Smithsonian established the “SI Civil Program.” The [SI Civil Program](#) is a team of SI experts and specialists with responsibility over both [SD 217](#), *Workplace Violence Prevention Policy* and [SD 225](#), *Anti-Harassment Policy*, the associated handbook, and other guidance materials. This program was developed as a resource that people may use to report threats of violence, incidents of intimidation, or harassing conduct, and get information about appropriate next steps. The SI Civil Coordinator, with assistance and support from the Office of Human Resources and other administrative offices, has general responsibility for managing the SI Civil Program.

The SI Civil Program was modeled off the Civil Program at the National Institutes of Health. The name “Civil” is not an acronym but represents the goal of “civil behavior in the workplace.” Both policies, other related resources, and contact information may be found on the [SI Civil Program website](#).

Overview of Reporting and Response Process.

1. **Report.** Any employee or affiliated person who believes they have experienced or witnessed harassment, threats, intimidating behavior, or retaliation (as defined in the policies) is encouraged to report such behavior to: the supervisor of the employee or affiliated person engaging in the behavior; their own supervisor; another supervisor or

Smithsonian management official; [SI Civil](#); or [OPS](#). Employees and affiliated persons are required to report violent or potentially violent behaviors to SI Civil, OPS, or, in the case of an emergency, local police. See the “*Reporting*” section below for more details.

2. **Respond.** Smithsonian management officials, supervisors, mentors, advisors, and sponsors **must** promptly report to appropriate officials (SI Civil or OPS) if they receive a report of harassment, threats, intimidating behavior, or potentially violent behavior from any employee or affiliated person. See the “*Responding to Reports*” section below for more details and timeframes for reporting.
3. **Assess.** SI Civil, with the assistance of other offices and human resources liaisons, will provide guidance to Smithsonian managers and assess the situation to determine the severity of the alleged misconduct and whether any immediate action is required and/or whether to initiate an administrative investigation. See the “*Responding to Reports*” section below for more details.
4. **Investigate.** Where an administrative investigation is warranted, SI Civil will obtain authorization from the unit director and ensure a prompt, objective, and thorough investigation is conducted. A unit director, in consultation with SI Civil, may choose to designate an investigator (either internal or external to Smithsonian) to conduct the administrative investigation, depending on the circumstances. See the “*Administrative Investigations*” section below for more details.
5. **Act.** With the assistance of OHR-LER, Smithsonian managers must take steps to ensure that any misconduct or violations of these policies are appropriately addressed to deter further inappropriate behavior. This may include taking disciplinary action, if appropriate. See the “*Resolution*” section below for more details.

PART 3: REPORTING

Smithsonian employees and affiliated persons are encouraged to report harassing conduct (including sexual harassment), retaliation, threats, intimidating behavior, or potentially violent behaviors they are subjected to or witness in any work-related situation. See the “*Definitions*” section above for specific definitions of each type of prohibited conduct covered by [SD 217](#), *Workplace Violence Prevention Policy* and [SD 225](#), *Anti-Harassment Policy*.

Employees and affiliated persons are subject to disciplinary action (up to and including removal) for engaging in conduct prohibited by either policy while in the workplace or in any work-related situation. A work-related situation could include off-duty events, such as a happy hour with co-workers, or official travel. Off-duty misconduct that violates either policy may subject the employee or affiliated person to potential discipline if the misconduct is likely to adversely affect the work environment.

Reporting Harassment. The Smithsonian cannot correct misconduct if a supervisor, manager, or other management official is not aware of it. Any employee or affiliated person who has been subjected to harassing conduct, or witnesses the behavior, is encouraged to inform the person(s) responsible for the conduct that it is unwelcome and offensive, and request that it cease.

If the conduct continues or if the reporting party is uncomfortable communicating with the responsible person(s) about the conduct, the reporting party **is encouraged** to report the matter to:

- the supervisor, mentor, advisor, or sponsor of the employee or affiliated person engaging in the behavior;
- their own supervisor, mentor, advisor or sponsor;
- another supervisor or management official; or
- [SI Civil](#).

Note that since employees and affiliated persons have these other reporting options as described above, they are not required to make such a report only to their immediate supervisor, mentor, advisor, or sponsor (or in the case of contractors, their Contracting Officer Representative (COR) or employing company).

Reports from Witnesses. Employees or affiliated persons who know of or witness behavior covered by these policies are encouraged to report the matter to a Smithsonian management official or [SI Civil](#). For example, if someone witnesses harassing behavior directed at another person, they may file a report, even if they were not directly harassed. Individuals must report the matter to OPS or SI Civil if it involves a threat, potentially violent behavior, or other acts that may violate [SD 217](#), *Workplace Violence Prevention Policy* (as discussed above).

Reporting Emergencies or Potential Violence. If the behavior involves a crime in progress or a specific threat of imminent bodily harm, individuals should treat this as an emergency and contact the local police department (e.g., 911) and/or [OPS](#) **immediately**. See “Reporting Emergencies” section in [SD 217](#), *Workplace Violence Prevention Policy*.

Certain types of behavior described in [SD 217](#), *Workplace Violence Prevention Policy* may be indicative of potentially harmful or violent behavior. Therefore, Smithsonian employees or affiliated persons **must** report these types of behaviors *as soon as possible* (ideally the same day) to:

- their own supervisor, mentor, advisor, or sponsor;
- another supervisor or management official;
- [OPS](#) (see below); or
- [SI Civil](#) (see below).

Contacting SI Civil. SI Civil can be reached by email, phone, or through the [SI Civil Program website](#) reporting page. Individuals may also contact the SI Civil Coordinator directly at sicivil@si.edu. All contact information may be found on the [SI Civil page](#) on Smithsonian's intranet (Prism) or the external SI website.

Contacting OPS. OPSO Watch Commanders may be reached by phone: 202-633-9598. Individuals can also reach out to the [OPS security contact](#) located at their unit or facility.

Timeframe for Reporting. Generally, there is no specific time limit for filing a report with SI Civil. However, employees and affiliated persons are encouraged to report incidents as soon as possible so that the Smithsonian can conduct a thorough inquiry and take corrective administrative action, if needed, as soon as possible.

As noted below, the SI Civil process is not equivalent to or in lieu of filing an EEO discrimination complaint. Employees and affiliated persons who allege harassment based on race, color, national origin, religion, sex (sexual orientation, gender identity, gender stereotyping and pregnancy), disability, age, genetic information and/or retaliation for protected EEO activity may also initiate the EEO discrimination complaint process in accordance with SD 214 and the [Equal Opportunity Handbook](#) by contacting an EEO Counselor in OEESD within 45 calendar days of the date of the alleged discriminatory conduct.

False Reports. Employees or affiliated persons who knowingly make a false report are subject to disciplinary action, up to and including removal.

Anonymous Reports. If a reporting party wishes to remain anonymous (e.g., by submitting a report via an anonymous email account), key details would be omitted which will limit the Smithsonian's ability to conduct a thorough inquiry and take corrective administrative action. Employees and affiliated persons are encouraged to disclose all relevant information so SI can thoroughly investigate the allegations. If the reporting party would like to discuss the allegations in a completely confidential setting, they should contact the Employee Assistance Program (EAP) or the Ombuds, both of which operate under principles of confidentiality. Once an allegation is raised to any Smithsonian management official or SI Civil, Smithsonian is required to initiate a prompt, objective, and thorough administrative investigation, as described below.

Confidentiality. All reports received under these policies will be maintained on a confidential basis *to the greatest extent possible*. The identity of the employee or affiliated person alleging violations of these policies and any witnesses will be kept confidential, except as necessary to conduct an appropriate investigation into the alleged violations, to take appropriate disciplinary or corrective action, to comply with the reporting requirements of these policies, or when otherwise required by law. For example, Smithsonian is required to report findings of harassment to certain Federal awarding agencies (such as the National Science Foundation or the National Space and Aeronautics Administration), if the harasser has an active grant award with one of these agencies. In this specific situation, the name of the person who violated [SD 225, Anti-Harassment Policy](#) will be provided to the awarding agency, not the reporting party. See "Other Reporting Requirements" in Part 8 below.

As discussed above, if any party would like to discuss the allegations in a completely confidential setting, they should contact the EAP or the Ombuds, both of which operate under principles of confidentiality. Once an allegation is raised to a Smithsonian management official or to SI Civil, the Smithsonian is required to initiate a prompt, objective, and thorough investigation. SI Civil will notify the reporting party of the status of the report, when the issue has been referred to the appropriate management officials, and when the matter has been addressed. However, because of privacy rights and procedures, no further information will be provided.

Privacy. Personally identifiable information (PII) and other sensitive information collected pursuant to these policies will be stored in electronic personnel systems. Access to any PII or other sensitive information is limited to persons with a valid business reason and only in the performance of their official duties (e.g. conducting an administrative investigation). These practices are consistent with the Smithsonian Privacy Office guidelines identified in [SD 118](#), *Privacy Policy*, and [SD 119](#), *Privacy Breach Policy*.

Distinction from Statutory Claims and Grievances. Filing a report related to these policies under the procedures established by the SI Civil Program outlined in this handbook is not equivalent to or in lieu of filing an EEO discrimination complaint, under 29 *Code of Federal Regulations* (CFR) 1614 and [SD 214](#), a grievance under the administrative or negotiated grievance procedures, or any other complaint process. The SI Civil Program is an entirely separate reporting process from the EEO complaints process. An employee who reports harassment in accordance with these policies under the procedures established by the SI Civil Program has not filed an EEO complaint. The SI Civil Program is a process for Smithsonian management to address employee reports of prohibited conduct and take immediate and appropriate corrective action, including the use of disciplinary actions, if appropriate.

Employees and affiliated persons who allege harassment based on race, color, national origin, religion, sex (sexual orientation, gender identity, gender stereotyping and pregnancy), disability, age, genetic information and/or retaliation for protected EEO activity may also initiate the EEO discrimination complaint process in accordance with SD 214 and the [Equal Opportunity Handbook](#) by contacting an EEO Counselor in OEESD within 45 calendar days of the date of the alleged discriminatory conduct.

PART 4: RESPONDING TO REPORTS

Management Response Overview. When a Smithsonian management official, supervisor, mentor, advisor, or sponsor receives a report of conduct covered by these policies directly from an employee or affiliated person, witnesses the incident, or is informed about an incident or behavior prohibited by these policies, they **must promptly** take steps to respond by:

- reporting to [SI Civil](#) **within 24 hours** of the receipt of the allegation or knowledge of the incident;
- ensuring a prompt, objective, and thorough investigation is conducted; and

- taking appropriate corrective action, including disciplinary action, if it is determined a violation of this policy has occurred.

After receiving a report directly from an employee or affiliated person, the management official, supervisor, mentor, advisor, or sponsor should inform the individual that management officials, supervisors, mentors, advisors, and sponsors have an obligation to report the allegation and an internal administrative investigation may be conducted. This obligation to report exists even if the reporting party is not under the supervision of the manager who received the report and even if the individual wishes to remain anonymous, requests complete confidentiality, or does not wish the report to be addressed with the subject.

The fact that an individual will or has filed an EEO complaint or grievance alleging harassment or any other behavior covered by [SD 217](#), *Workplace Violence Prevention Policy* or [SD 225](#), *Anti-Harassment Policy* does not relieve a management official, supervisor, mentor, advisor, or sponsor of their duty to act pursuant to these policies. Therefore, it is possible that multiple investigations into a given complaint may proceed in parallel.

Management Report to SI Civil. All Smithsonian management officials, supervisors, mentors, advisors, and sponsors have an obligation to report incidents and conduct covered by these policies to [SI Civil](#) **within 24 hours** of receiving a report or becoming aware of behavior covered by either [SD 225](#), *Anti-Harassment Policy* or [SD 217](#), *Workplace Violence Prevention Policy*. This requirement is intended to ensure Smithsonian has complete and accurate data related to harassment and workplace violence-related incidents. Therefore, the obligation to report to SI Civil exists *even if the management official, supervisor, mentor, advisor, or sponsor has already addressed the situation* or consulted with their unit's human resources liaison (HRL). SI Civil will not intervene in every reported situation. Many incidents and behavior can and should be addressed by supervisors at the lowest possible level and only need to be reported to SI Civil for data tracking purposes.

Failure to report allegations to [SI Civil](#) may result in appropriate disciplinary and/or administrative action against the management official, supervisor, mentor, advisor, or sponsor who received the initial report, witnessed the behavior, or was informed about an incident prohibited by these policies. If any management official, supervisor, mentor, advisor, or sponsor is unsure about what information or conduct to report to SI Civil, they should contact their unit's HRL or the SI Civil Coordinator.

Mentors, advisors, and sponsors who are not supervisors are still obligated to report **within 24 hours** but may report the incident to their own supervisor, another Smithsonian management official, their unit's HRL, or directly to SI Civil.

Human Resources Liaison Report to SI Civil. Unit HRLs may report incidents or situations to SI Civil on behalf of Smithsonian managers. However, HRLs should ensure that the manager and/or unit director is involved throughout the process and kept apprised of the situation. HRLs may contact the SI Civil Coordinator directly with any questions related to these policies and

procedures. HRLs must report any allegations they receive directly from an employee or affiliated person to SI Civil or OPS, as appropriate.

SI Civil Response. If the conduct reported to the SI Civil Program involves an allegation of harassment (including sexual harassment) or other behavior covered by the policies *other than a threat or potentially harmful behavior*, the SI Civil Coordinator will take the following actions:

1. Contact the reporting unit HRL and/or supervisor **within 3 business days** of receiving the report and conduct an initial review of the allegations and any management actions taken, if any, to determine if an administrative investigation is required.
2. If the report comes to SI Civil directly from an employee or affiliated person, contact the reporting party and other involved parties (e.g., unit HRL and/or supervisor) **within 3 business days** and conduct an initial review of the allegations to determine if an administrative investigation is required **within 10 days** of the initial report.
3. Consult with OHR-LER to assist the unit and Smithsonian management officials with any immediate interim action that may be appropriate (e.g., placing an employee on administrative leave).
4. Open a case file to properly document the report and any evidence/statements already received.
5. Document any immediate corrective action that was taken by management if the initial review was sufficient to determine whether corrective action was necessary and close out the case (see “*Resolution*” section below).
6. If a full administrative investigation is needed, notify the unit director, or their designee, of the nature of the allegations, next steps, and who else may be contacted as part of process (e.g., potential witnesses in a certain office) and receive written authorization from the unit director, or their designee, to proceed.
7. Initiate an administrative investigation **within 5 business days** of receiving authorization from the unit director (see “*Administrative Investigations*” section below).

Workplace Violence Prevention Response Team Response. If the conduct reported to the SI Civil Program or OPS involves a *threat or potentially harmful behavior* (still considered a nonemergency), the SI Civil Coordinator, in partnership with OPS, will convene the Response Team **as soon as possible on the same day** if a report is received during normal business hours. If received after normal business hours, the SI Civil Coordinator will coordinate a response with an OPS representative or any other available Response Team representatives or other experts **as soon as possible**. The Response Team is not intended to be used as a substitute for calling for emergency help (e.g., 911) when an individual feels police or other emergency help is needed.

The Response Team will take the following actions **as soon as possible** after receiving a report:

1. Conduct a risk or threat assessment regarding the potential seriousness of the reported situation to determine whether the individual poses a threat (and if needed, consult with law enforcement or other experts to conduct the risk or threat assessment).

2. Provide recommendations to supervisors, unit directors, and HRLs as soon as possible regarding any immediate action they need to take (e.g., placing an employee on administrative leave).
3. Initiate an administrative investigation, if necessary, after conducting the risk or threat assessment and receiving authorization from the unit director.
4. Refer impacted employees to the EAP or other available resources.

PART 5: ADMINISTRATIVE INVESTIGATIONS

Initiating an Administrative Investigation. The SI Civil Program, in consultation with OGC and Smithsonian management officials, has the discretion to determine the type of review that may be required to ensure a prompt, objective, and thorough examination of the allegation(s) has occurred. Depending on the specific allegation(s), *an administrative investigation may not be necessary.* Situations may not warrant a full administrative investigation if, for example:

- Smithsonian management (e.g., a supervisor) has already addressed the allegation(s) and, if warranted, taken immediate and appropriate action;
- the reported allegation(s) are duplicative of a prior review that resulted in Smithsonian management officials determining that no actionable harassing conduct occurred;
- the subject of the reported management action (for example, proposed discipline) has already undergone internal coordination and review with OHR-LER and/or OGC, and therefore, Smithsonian has taken a position that the management action is appropriately based on legitimate business reasons;
- the reported allegation(s) are based solely on an incident where the individual accused of harassment or other prohibited behavior (the respondent or subject) was reporting possible harassment or other prohibited behavior (i.e., the report is purely retaliatory and not based on new allegations); or
- the reported allegation(s) are based solely on an aspect of the administrative investigation process (e.g., an allegation that an investigator is harassing an employee by attempting to schedule an interview or obtain a statement).

If it is determined that an administrative investigation is necessary, the SI Civil Coordinator will ensure that the administrative investigation process is initiated ***within 5 business days*** of receiving authorization from the unit director. Typically, the initiation of an administrative investigation occurs when the SI Civil Coordinator assigns the investigation to an internal Smithsonian investigator *or* begins the process of procuring an external investigator.

Deciding Who Conducts the Investigation. If it is determined that further investigation is necessary, the following general guidelines will apply for choosing an investigator:

- Smithsonian management will typically procure an external (non-Smithsonian) investigator for allegations of harassing conduct or other prohibited behavior that the SI Civil Coordinator and OGC determine to be potentially serious or posing a material risk to the Smithsonian. Generally, individual units will be responsible for any expenses related to procuring an external investigator.

- An internal Smithsonian investigator from OPS or SI Civil will investigate allegations related to a threat, potentially harmful behavior, or other allegations that are determined to be more serious in nature.
- All other allegations under these policies may be handled by an internal Smithsonian investigator who is trained and/or experienced in conducting workplace investigations.
- The unit director, in consultation with SI Civil and OGC, will make the final decision about the investigation based on the complexity and scope of the allegation(s) and the availability of qualified investigators.

The SI Civil Coordinator will serve as the primary point of contact for logistics related to getting an internal investigator in place and answering questions from the internal investigator. Both the SI Civil Coordinator and OGC will serve as primary points of contact for external investigators, should one be needed.

Conducting the Investigation. The administrative investigation is an internal management review that must be conducted promptly, impartially, and in a manner appropriate to the allegation(s). All investigations handled by internal Smithsonian administrative investigators must comply with the standards outlined in the *Smithsonian Institution's Investigator Guide to Conducting Administrative Investigations*.

Investigations will typically include: a discussion with witnesses, the parties involved, and a collection and review of evidence, including witness statements. This type of administrative investigation can take on a variety of characteristics depending on the nature and complexity of the allegations. Internal administrative investigations should typically be completed within **30 business days** after authorization by the unit director, absent extenuating circumstances. Investigators will provide an investigation plan, including the scope and an estimated completion date, to the unit director and SI Civil before beginning the investigation. Changes to the scope of the investigation, such as additional allegations or witnesses, may justify an investigation period longer than 30 business days. Similarly, any deadlines or timeframes could change if the reporting party is unavailable to participate in the intake meeting or inquiry, or not responsive to contact by the SI Civil Coordinator, administrative investigator, or other Smithsonian management officials. The investigator will ensure both the unit director and SI Civil are made aware of any changes to the scope or estimated completion date of the administrative investigation.

Attorneys and Other Personal Representatives. Smithsonian employees and affiliated staff may always consult with their attorneys regarding an administrative investigation interview, but most do not have the right to have an attorney present during interviews. As a general rule, third-party representatives for witnesses and subjects are *not permitted to be present* during administrative investigation interviews. However, exceptions may exist for witnesses who are bargaining unit employees and have invoked their *Weingarten* rights (see below).

Weingarten Rights of Bargaining Unit Employees. Bargaining unit employees have the right to request representation from the union at any investigative examination/interview where the employee reasonably believes the examination may result in disciplinary action against the employee. The employee may make this request at any time prior to or during an interview. If

requested, the administrative investigator must suspend questioning and grant the request then resume the interview later. OHR-LER can provide guidance.

Participation in an Investigation. Failure to cooperate in an investigation may subject an employee to disciplinary action.

PART 6: RESOLUTION

Corrective Action. After receiving a fact-finding report from the administrative investigator, the unit director or their designee, in consultation with the SI Civil Coordinator and OHR-LER, will immediately review the documentation and consider the record as a whole to determine what corrective action, if any, is recommended and take action, as necessary. Corrective action may include discipline, reassignment, coaching, or something else (such as a voluntary facilitated conversation or mediation).

A close-out notification (either orally, in writing, or both) will be sent to the reporting party and the subject of the report by either the SI Civil Coordinator or another Smithsonian management official. As discussed under the “*Confidentiality*” section above, because of privacy rights and procedures, no further information will be provided to the reporting party.

Additional Investigation. If the internal administrative investigation results indicate the situation has a large, complex scope and potential further impact, the SI Civil Coordinator will notify OGC and the unit director or their designee. It may be necessary to procure an external investigator to conduct further investigation. The external administrative investigation, if necessary, should be conducted expeditiously, and the timeframe for completion will vary depending on circumstances, e.g., lead time for retention of a contract investigator.

PART 7: POST-RESOLUTION ACTIONS

When certain cases and situations require additional follow-up, the SI Civil Coordinator will note that in the case file and ensure responsible parties are aware. For example, OPS may need to take the following actions, depending on the situation:

- Distribute Situational Awareness BOLOs (internal to OPS or, potentially, all Smithsonian).
- Monitor court cases, including conditions of release.
- Meet with Court Supervisors Offender Services (CSOSA).
- Meet quarterly with the domestic violence section of the Metropolitan Police Department’s Domestic Violence Section/ U.S. Attorney’s office.

Following an incident of workplace violence, the Response Team will review the Smithsonian’s response, assess its appropriateness, and decide whether to recommend any improvements to policy.

PART 8: TRACKING AND DATA COLLECTION

Tracking. The SI Civil Coordinator will collect and track all data related to these policies and the SI Civil Program. The SI Civil Program will maintain official copies of the case files, including reported allegations and related investigative documents, such as witness statements and exhibits, in accordance with Smithsonian's records retention policy and procedures. Each case file will also note how the case was resolved, including the specific corrective action that was taken, if any. Access to the case files is limited to persons with a valid business reason and only in the performance of their official duties (e.g., conducting an administrative investigation). These practices are consistent with the Smithsonian Privacy Office guidelines identified in SD 118, *Privacy Policy*, and SD 119, *Privacy Breach Policy*.

Reporting Data. The SI Civil Coordinator will provide an annual report to Smithsonian leadership, through the SI Civil PAC and the Under Secretary for Administration in February of each year. The report will include data, trends, and analysis from the prior calendar year. Certain data collected by SI Civil will also be provided to OEESD every fiscal year for inclusion in the annual report sent to the EEOC.

In addition to the annual report, if at any time the SI Civil Coordinator believes there is a trend of harassment or a significant issue that is not being addressed in a particular unit or office, the SI Civil Coordinator will discuss this trend or issue with the SI Civil PAC and the Under Secretary for Administration. Data from trend analysis will be used to target units or offices for training, outreach, and technical assistance.

Board of Regents Reporting Requirements. The Smithsonian Board of Regents has specific reporting requirements related to harassment allegations and findings.

SI Civil, with the assistance of OGC, must prepare an annual report on sexual harassment and workplace culture at the Smithsonian. SI Civil must also report to the Smithsonian Board of Regents Compensation and Human Resources Committee, through OGC, the following types of sexual harassment claims, as they arise:

- Any complaints involving the Secretary, the Secretary's direct reports, museum or research center directors, or their equivalents;
- Two or more findings of misconduct against a single individual, regardless of rank or status;
- Five complaints within a six-month period in any department, even if the complaints are against different individuals;
- Any allegation involving a minor, regardless of the rank or status of the alleged perpetrator;
- Any other allegation, regardless of the rank or status of the victim or alleged perpetrator, that poses a material legal or reputational risk to the Smithsonian.

Other Reporting Requirements. Certain agencies and organizations (such as the National Science Foundation) have specific reporting requirements regarding harassment findings related to individuals responsible for grants. When there is a finding of harassment, or an employee is placed on administrative leave related to an allegation of harassment, the SI Civil Coordinator will promptly check the [Office of Sponsored Projects \(OSP\) website](#) to determine if the individual has an active grant award from the National Science Foundation (NSF) or the National Aeronautics and Space Administration (NASA) which will trigger required reporting to these agencies by either OSP or Smithsonian Astrophysical Observatory Sponsored Projects & Procurement Department (SAO-SPPD). If the name of the individual with a finding or administrative action appears on the OSP list, the SI Civil Coordinator will immediately notify the OSP Director or SAO-SPPD Manager, as appropriate, to inform them that the finding or action has occurred, since reporting is required within 10 business days of the finding or action.

Records Requests and Disclosure. Information and documents related to personnel matters, such as fact-finding reports and witness statements, are generally protected from disclosure and will only be provided to individuals who have a need-to-know for business-related reasons. If the requesting party is the *subject* of an administrative investigation, certain documents related to the investigation may be disclosed to that party or their representative if a corrective action is taken. The Smithsonian responds to requests for records in accordance with its records disclosure policy, [SD 807, Requests for Smithsonian Institution Information](#).

PART 9: TRAINING

Information on the SI Civil Program and these policies will be included in the mandatory and refresher training administrated by OEESD related to EEO and Prevention of Workplace Harassment for Smithsonian employees and supervisors.

Additional training (virtual or in-person), information sessions, webinars, and other presentations related to the [SI Civil Program](#) and these policies will be offered on a regular basis. The SI Civil Coordinator is responsible for developing and managing any new training specifically related to the SI Civil Program and will collaborate with other offices on the content of trainings not specifically related to SI Civil, such as supervisory training and alternative dispute resolution training.

**APPENDIX A: WORKPLACE VIOLENCE PREVENTION RESPONSE TEAM
CHARTER**

Workplace Violence Prevention Response Team Charter currently in development.

APPENDIX B: SI CIVIL PROGRAM ADVISORY COMMITTEE CHARTER

SI Civil Program Advisory Committee Charter currently in development.

APPENDIX C: SI CIVIL PROGRAM RESOURCES

All resources listed below and additional resources will be maintained on the [SI Civil Program website](#).

1. SI Civil Frequently Asked Questions
2. SI Civil Reporting Flowchart
3. SI Civil Brochure
4. SI Civil Poster
5. SI Civil Pocket Card
6. Quick Tips for Supervisors
7. Toolkit for Managers and Supervisors: Preventing and Addressing Harassment
8. Toolkit for Mentors, Advisors, and Sponsors: Preventing and Addressing Harassment
9. Toolkit for Employees (Federal and Trust): Preventing and Addressing Harassment
10. Toolkit for Academic Appointees (Interns, Fellows, and Research Associates): Preventing and Addressing Harassment
11. Toolkit for Volunteer Supervisors: Preventing and Addressing Harassment
12. Smithsonian Institution's Investigator Guide to Conducting Administrative Investigations

APPENDIX D: OTHER SI RESOURCES

Contact information for the resources listed below are also available on the [SI Civil Program website](#).

❖ [Employee Assistance Program](#)

The Employee Assistance Program promotes the health, well-being, and productivity of employees by helping them resolve personal problems. The program offers professional short-term and emergency counseling, problem assessment, referral to community resources for assistance with specialized or longer-term problems, and continuing support throughout the problem-solving period. The program also advises and provides training for supervisors confronted with work-related effects of employee health problems and other concerns.

❖ [Occupational Health Services](#)

Occupational Health Services (OHS) provides occupational health services and other health-related programs to Smithsonian eligible participants at no cost to their units. The current list of all services and programs offered is posted on the OHS website on Prism.

❖ [Office of Human Resources — Labor and Employee Relations Branch](#)

The Office of Human Resources, Labor and Employee Relations Branch (LER) serves as a professional resource to managers, supervisors, and employees for work-related issues. LER helps create and maintain an environment of excellence by acting as a point of contact and providing guidance in areas such as employee misconduct, performance management, and grievances.

❖ [Office of Equal Employment and Supplier Diversity](#)

The Office of Equal Employment and Supplier Diversity's mission is to: 1) promote diversity and inclusion in all aspects of the Smithsonian's workforce, programs, and activities; 2) advocate for the use of small and disadvantaged businesses; and 3) ensure compliance with applicable Federal EEO mandates.

❖ [Office of Fellowships and Internships](#)

The Office of Fellowships and Internships (OFI) facilitates scholarly interactions between Smithsonian experts and students/scholars at universities, museums, cultural organizations, and other research institutions around the world. OFI administers Institution-wide research support programs, and encourages and assists other Smithsonian museums, research institutes, and research offices in the development of additional fellowship, internship, and research associate appointments.

❖ [Office of General Counsel](#)

The Office of General Counsel (OGC) protects the legal interests of the Smithsonian Institution. OGC attorneys provide legal advice and counsel to the Board of Regents, the Secretary, and other Smithsonian officials on various issues including matters covered by [SD 217](#), *Workplace Violence Prevention Policy* and [SD 225](#), *Anti-Harassment Policy*.

❖ **Office of the Inspector General**

The Office of the Inspector General's mission is to promote the efficiency, effectiveness, and integrity of the Smithsonian's programs and operations through independent and objective audits and investigations and to keep stakeholders fully and currently informed.

❖ **Office of Protection Services**

The Office of Protection Services (OPS) provides a safe and secure environment for visitors, staff, and collections. The responsibilities of OPS encompass the physical, operational, and personnel security needs of all Smithsonian assets and facilities.

❖ **Ombuds**

The Ombuds is a neutral party to whom employees and affiliated persons can bring any work-related problem, concern, or complaint that cannot be resolved through normal channels. The Ombuds will respect confidentiality when requested and is not required to report to SI Civil, except to address an imminent risk of serious harm.

APPENDIX E: EXTERNAL RESOURCES

Links and information on external resources are available on the [SI Civil Program website](#) and will be added to this Appendix in the near future.