



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S. C. 114(n)), this directive, and all related Handbook, Attachments, and Appendices establish Transportation Security Administration (TSA) policy and supersedes the Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding the prevention and elimination of sexual harassment in the workplace issued under the FAA Personnel Management System. This directive is TSA policy and must be applied accordingly.

REVISION: This directive supersedes TSA MD 1100.73-3, dated January 6, 2009.

SUMMARY OF CHANGES: Section 1, Purpose, is revised to increase awareness that notification to management officials does not constitute initiation of the Equal Employment Opportunity (EEO) complaint procedures.

1. **PURPOSE:** This directive provides TSA policy and procedures for preventing and eliminating sexual harassment in the workplace. Reporting the matter to TSA management officials does not constitute initiation of the EEO complaint procedure pursuant to Title 29, Code of Federal Regulations, Part 1614. If the affected person elects to file a complaint of discrimination, he or she must do so by contacting the Office of Civil Rights and Liberties within 45 days of the alleged harassment. Reporting the matter to TSA management officials does not satisfy the requirement to contact an EEO counselor within the 45-day period.
2. **SCOPE:** This directive applies to all TSA organizational elements and all TSA employees and contractors.
3. **AUTHORITIES:** The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
4. **DEFINITIONS:** See [TSA Handbook on TSA MD 1100.73-3, Prevention and Elimination of Sexual Harassment in the Workplace](#).
5. **RESPONSIBILITIES:**
 - A. TSA employees are responsible for:
 - (1) Maintaining a work environment free from sexual harassment, where employees maintain the public trust and are held to high standards of honesty, integrity, impartiality, and conduct;
 - (2) Ensuring that his or her conduct is not sexually offensive to other employees, contractors, job applicants, or the public;
 - (3) Cooperating with inquiries into complaints of alleged sexual harassment;

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- (4) Notifying his or her immediate supervisor, higher-level management official, or any of the offices described in Section E of the Handbook, upon becoming aware of any conduct or actions that might appear to constitute sexual harassment; and
- (5) Not engaging in any intimidating, retaliatory, or demeaning conduct against the affected person.

B. The Office of Civil Rights and Liberties (OCRL) is responsible for:

- (1) Administering TSA's Civil Rights and Liberties Program, including processing EEO complaints of discrimination by TSA employees, applicants for employment or former employees, when these individuals believe that they have been discriminated against, harassed, or retaliated against in violation of EEO laws, Executive Orders and regulations; and
- (2) Providing guidance and assistance to employees regarding the identification, prevention, and elimination of sexual harassment in the workplace.

C. The Office of Human Capital (OHC) is responsible for:

- (1) Developing and managing human capital policies, handbooks, and programs regarding sexual harassment;
- (2) Designating a Sexual Harassment Prevention Coordinator; and
- (3) Administering the Employee Assistance Program (EAP) for TSA employees which offers confidential counseling, information and other assistance to help employees with difficult personal situations, including crisis management, stress, and workplace issues.

D. The Sexual Harassment Prevention Coordinator (SHPC) is responsible for:

- (1) Coordinating all fact-finding inquiries regarding allegations of sexual harassment;
- (2) Serving as the point of contact for management officials when they become aware of an allegation of sexual harassment if the program office, airport, or field office does not have a local sexual harassment Point of Contact (POC);
- (3) Providing guidance and assistance to employees, and management official on matters relating to sexual harassment; and
- (4) Serving as the official custodian of fact-finding reports on allegations of sexual harassment.

E. The Local Sexual Harassment POC is responsible for:

- (1) Serving as the point of contact for management officials; and

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(2) Serving as a point of contact for employees who do not feel comfortable informing their supervisor or manager of allegations of sexual harassment.

F. Supervisors and Management Officials are responsible for ensuring that the workplace is free from sexual harassment, and taking immediate corrective steps to mitigate the alleged harassment as soon as he or she becomes aware of an allegation of sexual harassment.

G. The Office of the Ombudsman is responsible for:

(1) Providing a confidential (as appropriate), independent, and neutral venue for all TSA customers, employees, and contractors;

(2) Providing a forum for workplace issues to be raised and resolved without fear of retaliation; and

(3) Recommending and facilitating solutions to ensure fair and equitable processes and procedures in the workplace.

H. The Office of Inspection (OOI) is responsible for conducting investigations based on allegations of employee misconduct, including certain cases of sexual harassment involving management officials, as indicated in section H(1) of the Handbook.

I. The Office of the Chief Counsel is responsible for providing legal advice regarding this directive.

6. POLICY:

A. TSA is committed to maintaining a work environment free from sexual harassment, where employees maintain the public trust and are held to high standards of honesty, integrity, impartiality, and conduct. Sexual Harassment is a violation of these standards and therefore, sexual harassment of, or by any TSA employee in any form, is not acceptable and will not be tolerated.

B. Supervisors and Management officials must ensure that prompt and effective corrective action is taken when sexual harassment allegations occur. This includes, but is not limited to, initiating a fact-finding inquiry and informing the alleged harasser of the alleged sexual harassment. Refer to Section F of the Handbook for additional information.

7. PROCEDURES: See [TSA Handbook on TSA MD 1100.73-3, *Prevention and Elimination of Sexual Harassment in the Workplace*](#).

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8. APPROVAL AND EFFECTIVE DATE: This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

2/4/2011

Sean J. Byrne
Assistant Administrator for Human Capital

Date

EFFECTIVE

Date

Distribution: Assistant Secretary, Deputy Assistant Secretary, Assistant Administrators, Area Directors, Federal Security Directors, Special Agents in Charge, Business Management Offices, Administrative Officers, and HR Specialists

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