

Preventing and Responding to Workplace Harassment

A. PURPOSE:

1. Pursuant to Intelligence Community Directive (ICD) 101, Section G.1.b.(3), technical amendments are hereby made to Intelligence Community Directive 127, *Preventing and Responding to Workplace Harassment*, signed 2 January 2025.

2. This Directive, as amended, reflects the signature of Executive Orders 14148, *Initial Recissions of Harmful Executive Orders and Actions* and EO 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, both issued 20 January 2025, which repeal EO 14035, *Diversity, Equity, Inclusion and Accessibility in the Federal Workforce*; and the adoption of sex-based definitions in accordance with the Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, issued 20 January 2025. It also reflects the enactment of the Pregnant Workers Fairness Act.

B. EFFECTIVE DATE: This technical amendment becomes effective on the date of signature.


Assistant Director for
Policy and Strategy

February 28, 2025
Date



INTELLIGENCE
COMMUNITY
DIRECTIVE

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TECHNICAL
AMENDMENT

Preventing and Responding to Workplace Harassment

A. PURPOSE:

1. Pursuant to Intelligence Community Directive (ICD) 101, Section G.1.b.(3), technical amendments are hereby made to Intelligence Community Policy Guidance (ICPG) 110.2, *Preventing and Responding to Workplace Harassment*, signed 5 June, 2021.

2. This Directive, as amended, renumbers and reissues ICPG 110.2, *Preventing and Responding to Workplace Harassment* as ICD 127, *Preventing and Responding to Workplace Harassment*. These amendments reflect the signing of ICD 110, *Diversity, Equity, Inclusion, and Accessibility*, on 24 October 2024, and the current structure of the Office of the Director of National Intelligence.

B. EFFECTIVE DATE: This technical amendment becomes effective on the date of signature.

//SIGNED// James A. Smith _____
Assistant Director for National
Intelligence for Policy and Strategy

2 January 2025 _____
Date



INTELLIGENCE
COMMUNITY
DIRECTIVE

127

TECHNICAL
AMENDMENT

Preventing and Responding to Workplace Harassment

A. AUTHORITY: The National Security Act of 1947, as amended; Executive Order 12333, as amended; and other applicable provisions of law.

B. PURPOSE: This Intelligence Community Directive (ICD) provides guidance to the Intelligence Community (IC) elements, to ensure effective programs and policies exist to detect and prevent workplace harassment, to encourage reporting and prompt remediation of concerns involving harassment, and to emphasize the existence of protections against retaliation for individuals who participate in equal employment opportunity matters regarding harassment or otherwise oppose discriminatory harassing conduct.

C. APPLICABILITY

1. This ICD applies to the IC, as defined by the National Security Act of 1947, as amended, and to such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned, as an element of the IC.

2. In instances where departmental policy conflicts with this Directive, such departmental policies shall prevail.

3. Military personnel are subject to policy requirements of the Department of Defense and their Service.

D. POLICY

1. IC elements shall be model employers and offer a work environment that is free from workplace harassment, including harassment on the basis of race, color, religion, sex, pregnancy, national origin, age, physical or mental disability, genetic information, or any other bases protected by applicable law or Executive Order, such as parental status and sexual orientation.

2. Harassment encompasses unwelcome conduct based on a protected category under the law, including sexual harassment. The Equal Employment Opportunity Commission (EEOC), defines harassment as unlawful when

a. Enduring the offensive conduct becomes a condition of continued employment; or



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b. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

3. Anti-discrimination laws also prohibit harassment against individuals in retaliation for protected Equal Employment Opportunity (EEO) activity. The EEOC defines retaliation broadly, and includes under such definition, any action by an employer that might deter a reasonable employee or job applicant from engaging in protected EEO activity. Protected EEO activity includes opposing employment practices that an individual reasonably believes constitutes discrimination in violation of the law or anti-discrimination policies, reporting alleged harassment, participating in an investigation regarding alleged harassment, opposing harassment, or taking actions to remediate or deter discrimination.

4. IC elements are expected to maintain processes to ensure individuals can present concerns about unwelcome or offensive conduct, particularly when such conduct creates conditions that interfere with work performance and/or creates an intimidating, hostile, or offensive environment. IC elements should include avenues for addressing potential harassment concerns before they rise to the level of being severe and/or pervasive.

5. In the absence of a departmental policy, IC elements should establish an anti-harassment policy that provides a mechanism for prompt reporting of any incidents of alleged harassment while respecting confidentiality to the greatest extent feasible. Such a policy should include, at a minimum:

- a. Examples of harassing conduct;
- b. Assurance that employees who engage in protected EEO activity, including complaining of harassment or providing information related to such complaints, will be protected against retaliation;
- c. Clearly defined processes for raising allegations of harassment that provide alternative avenues for raising concerns;
- d. Commitment that the IC element will protect, to the extent possible, the confidentiality of the individuals raising harassment concerns;
- e. A complaint process that provides a prompt, thorough, and impartial investigation; and
- f. A provision that the IC element's supervisors and leaders shall take prompt and appropriate corrective action following a determination by the agency that harassment or unprofessional conduct has occurred, even when not within their area of responsibility or supervisory chain.

6. Consistent with EEOC guidance, IC elements should either establish anti-harassment programs that are distinct from their EEO compliance programs, or should have methods for dealing with concerns of harassing behavior that do not rise to the level of being actionable under the law.

7. IC elements shall provide information to the workforce about harassment prevention, reporting, and response (i.e., website, policy, posters, phone numbers, etc.).

8. IC elements should provide anti-harassment training annually.

9. Managers and supervisors shall comply with their element’s regulations, policies, and applicable reporting requirements, and are encouraged to contact their element’s EEO office for advice and assistance upon learning of a possible issue related to unlawful harassment, or before initiating any corrective action in response to an allegation or concern of unlawful harassment. Employees also are encouraged to contact their element’s EEO office for advice and assistance regarding possible issues related to unlawful harassment.

E. ROLES AND RESPONSIBILITIES

1. The Office of the Director of National Intelligence (ODNI) shall:

a. Provide information and assistance to IC elements, as requested; and

b. Collect and analyze EEO and harassment complaint data from elements of the IC, upon request.

2. ODNI’s Office of Equal Employment Opportunity (OEEO) shall lead IC element discussions of best practices and issues with regard to the implementation of this Directive.

3. Heads of IC elements:

a. Shall comply with EEO laws, regulations, and guidance, as applicable (see Appendix);

b. Consistent with 29 CFR Sec. 1614.102, shall maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate discriminatory practices and policies;

c. Shall be committed to providing a workplace free from harassment, consistent with this ICD;

d. Are expected to comply with the provisions of EEOC Management Directive 715 relating to harassment prevention, which includes issuing an anti-harassment policy statement soon after beginning their tenure and thereafter on an annual basis; and

e. Should be responsive to ODNI requests for copies of annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints (EEOC 462 Reports), and quarterly Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act reports.

F. EFFECTIVE DATE: This ICD becomes effective on the date of signature.

//SIGNED//Avril D. Haines
Director of National Intelligence

June 5, 2021
Date

Appendix – References

1. Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e *et seq.*
2. The Age Discrimination in Employment Act, 29 U.S.C. Section 621 *et seq.*
3. The Equal Pay Act, 29 U.S.C. Section 206(d)
4. The Genetic Information Nondiscrimination Act, 42 U.S.C. Section 2000ff note
5. The Rehabilitation Act, 29 U.S.C. Section 791 *et seq.*
6. The Pregnant Workers Fairness Act, 42 U.S.C. Section 2000gg *et seq.*
7. Federal Sector Equal Employment Opportunity, 29 C.F.R. Part 1614
8. U.S. Equal Employment Opportunity Commission, Management Directive 110
9. U.S. Equal Employment Opportunity Commission, Management Directive 715