

For Council Consideration: Proposed Integration of Model Fishery Management Council Policy on Addressing Allegations of Harassment of Process Participants Other Than Council Employees termed “Council Process Participants”

*blue text is new proposed language and suggested strike through in red

4.8 ~~General~~-Anti-Harassment Policy

The Council process should operate in an atmosphere of respect, collaboration, openness, safety, and equality and every individual who participates in the Council process should be treated with dignity and respect and should be free from abusive conduct and harassment.

The Council has a zero-tolerance policy for harassment and will not tolerate retaliation against those who report harassment. Harassment includes unwelcomed conduct that is based on the basis of race, religion, color, national origin, sex (including pregnancy and gender identity), age, disability, sexual orientation, status as a parent, or genetic information, and reprisal. Any Council employee who believes he or she has been harassed or believes he or she has witnessed harassment is encouraged to report the harassment to a supervisor or manager. The supervisor or manager should then immediately contact the Employee and Labor Relations Division of NOAA’s Office of Workforce Management, 301-713-6331. The Council’s Anti-Harassment Policy for Employees is detailed in the Administrative Handbook¹ is intended to ensure that staff members work in an environment free of harassment in all their interactions, including interactions with Council members, other staff members, and the public during the course of official Council meetings, advisory body meetings, or committee meetings.

Preventing harassment² is everyone’s responsibility and individuals who experience or observe harassment are strongly encouraged to come forward to ensure a safe working environment for everyone involved in the Council process. Council members, including Chairs and Vice chairs, hold positions of trust and responsibility and it is incumbent upon them, together with the Executive Director, to make every reasonable effort to establish an environment free of harassment. This policy provides a framework for procedures to encourage Council process participants to come forward with harassment allegations without fear of retaliation and outlines a process for reporting and reviewing allegations of harassment.

Council Members and Other Process Participants may be required to take Anti-Harassment Training and Prevention an annual or biennial basis.

4.8.1 Council Process Participants

A Council Process Participant includes all persons who participate in the Council process in

¹ <https://gulfcouncil.org/wp-content/uploads/Administrative-Handbook-April-2022.pdf>

any setting, with the exception of individuals employed by the Council, who are covered under a separate policy. Council Process Participants include all individuals present under the context of Council business regardless of location, whether in a Council office, at a Council meeting, or at offsite meetings, hearings, workshops, and outreach events sponsored by a Council.

Reporting Process

Council Process Participants who observe, experience, or receive a report of harassment, including but not limited to sexual harassment or assault are encouraged to report the matter as soon as possible to an appropriate official. Swift reporting allows appropriate law enforcement authorities, the NOAA National Marine Fisheries Service (NMFS), or the Council, as appropriate, to take measures to ensure that offensive behavior stops, the harassee's needs are addressed, and action is taken against the offender.

Council Process Participants who observe or are subject to harassment by any Council member, Council employee, or other Council Process Participants may report incidents in a variety of ways, including but not limited to: appropriate law enforcement authorities, as applicable; Executive Director or Deputy Executive Director; and the Council Chair and Vice-chair.

²For purposes of this policy covers a harassment includes unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history).

Council Response to Reports

Unless particular circumstances require otherwise, any Council Member, Council employee, or NMFS employee who receives a report of harassment of a Council process participant is encouraged to communicate the details of that report, in writing, to the Executive Director for appropriate action under this policy, unless they are the alleged harasser. In the event of a reported incident, a response team should be convened, as appropriate depending upon the context, the Council Chair, Executive Director, and other designated Council and staff points of contact. The response team will determine appropriate follow-up, including whether to engage the NMFS Regional Administrator in the response to the incident, based on the allegations raised and the parties involved.² The Council shall maintain a record of each allegation received under this policy, which shall be made available to NMFS upon request.

NMFS Role

The Councils are primarily responsible for addressing issues that arise within the Council environment. NMFS will, in consultation with NOAA and the Department of Commerce, provide such support and advice to the Councils as may be appropriate under the circumstances. Any Council that receives a report of harassment against or by a Council member **must** inform the NMFS Regional Administrator of the nature of the incident and any steps taken to address the incident.

Related Processes

Individuals who are federal employees (including but not limited to NOAA employees) or employed by state agencies, academic institutions or other organizations is encouraged to report any concerns and seek assistance or action through their supervisor and/or within their own organization, as appropriate, but are encouraged to also report incidents to a Council official described above so that prompt action can be taken by the Council, as needed.

Individuals who are employed by the Councils or the federal government, including but not limited to NOAA, also have the right to file an Equal Employment Opportunity (EEO) complaint with their employing federal agency's EEO office within 45 days of the matter alleged to be discriminatory.