



**U.S. Customs and  
Border Protection**

*Commissioner*

**JUL 24 2024**

MEMORANDUM FOR: All CBP Employees

FROM: Troy A. Miller  
Senior Official Performing the Duties of the Commissioner

SUBJECT: Anti-Discrimination and Anti-Harassment Policy Statement

U.S. Customs and Border Protection (CBP) values the diversity of our employees and is committed to building and maintaining a workplace free of discrimination and harassment. To promote a positive and effective work environment, all employees must adhere to equal employment opportunity principles and strive to embody CBP's core values of Vigilance, Service to Country, and Integrity.

### **In General**

It is CBP policy to treat all individuals in a non-discriminatory manner, without regard to their protected status under Federal law, Executive Order, regulation, or policy. These protections extend to all personnel and employment programs, management practices and decisions, including, but not limited to, recruitment, hiring, merit promotions, transfers, reassignments, training and career development programs, benefits, and separations. Unlawful discrimination, which is the unfavorable treatment of a person, or class of persons, based on their membership in a protected class, will not be tolerated. Protected classes include race, color, religion, sex (including pregnancy, gender identity, and sexual stereotyping), national origin, age (40 or older), disability, genetic information, reprisal (because you complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit) or status as a parent. Furthermore, the Pregnant Workers Fairness Act requires agencies to provide reasonable accommodations to employees' known limitations related to pregnancy, childbirth, or related medical conditions, unless such an accommodation would pose an undue hardship to the agency. CBP executives, managers, and supervisors shall take appropriate action to create a diverse and inclusive work environment where all employees can compete on a fair and level playing field and advance based on merit.

### **Harassment**

Unlawful harassment is unwelcome conduct, based on race, color, religion, sex (including pregnancy, gender identity, and sexual stereotyping), national origin, age (40 or older), disability, genetic information (including family medical history), reprisal or status as a parent, that unreasonably interferes with an individual's work performance/environment by resulting in a tangible employment action, or is sufficiently severe or pervasive to alter the conditions of the victim's employment and create a hostile or abusive working environment.

CBP strictly prohibits unlawful harassment. Such harassment includes, but is not limited to, unwelcome verbal, non-verbal, or physical behavior directed towards an individual because of

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their membership in a legally protected class when such conduct has the purpose or effect of unreasonably interfering with an individual's ability to perform their assigned duties.

This policy prohibits harassment by or of any employee, supervisor, manager, contractor, vendor, applicant, or other individual with whom CBP employees come into contact by virtue of their work for CBP. This policy covers conduct that occurs on duty, off duty, face-to-face, or remotely via electronic means such as telephone, email, text message, instant messaging, work collaboration platforms (e.g., MS Teams), social media, and chat application. Moreover, CBP will not tolerate other forms of harassment, disruptive behavior, or bullying in the workplace. Such behaviors go against CBP's core values and negatively impact mission effectiveness. Furthermore, even if an individual's behavior does not rise to the level of unlawful discrimination as defined by Federal law, Executive Order, regulation, or policy, it may still violate CBP's Standards of Conduct and may subject the individual to discipline.

### **Examples of Harassment**

Examples of prohibited conduct include making abusive, derisive, profane, or harassing statements, even in jest; using epithets or slurs; engaging in stereotyping or intimidating acts; making or sharing racially derisive social media posts; and circulating or posting of written or graphic materials that show hostility toward individuals because of their protected status.

### **Retaliation**

CBP will not tolerate retaliation against any employee or applicant for engaging in protected activity. Protected activity includes participation in an EEO process or opposition to discrimination, such as making a report of harassment, filing a complaint of discrimination or harassment, helping another employee file a complaint, participating in an inquiry into potential violations of this policy, or requesting a reasonable accommodation based on physical or mental disability or due to pregnancy. Employees found to have engaged in retaliatory conduct or behavior will be subject to corrective or disciplinary action.

### **Employee Responsibility**

Maintaining a workplace free from prohibited discrimination and harassment is the responsibility of all CBP employees. CBP policy requires all employees to report misconduct, which includes discriminatory or harassing behavior.

### **Reporting Harassment and Misconduct**

Employees can report misconduct, including discriminatory harassment by:

- Informing their immediate supervisor or another management official within their chain of command;
- Calling the toll-free Joint Intake Center Hotline at 1-877-2INTAKE or sending a fax to (202) 344-3390;
- Sending an email message to [JointIntake@cbp.dhs.gov](mailto:JointIntake@cbp.dhs.gov);
- Writing to the Joint Intake Center at P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, DC 20044;

- Contacting their servicing CBP Office of Professional Responsibility;
- Calling the DHS Office of Inspector General (OIG) at 1-800-323-8603;
- Submitting a DHS OIG Complaint/Allegation Form at <https://hotline.oig.dhs.gov/hotline/hotline.php>; or,
- Submitting a complaint with the Office of Special Counsel at <https://osc.gov/pages/file-complaint.aspx>.

### **Addressing Reports of Harassment**

Reports of harassment are addressed through a prompt, thorough, and impartial investigation. Individuals responding to alleged incidents of harassment will uphold confidentiality to the greatest extent possible, except as necessary to conduct a thorough and fair investigation or except as required by law. As necessary, CBP will take interim measures to correct harassing conduct before it becomes severe or pervasive and will take immediate and appropriate corrective action if harassment has been found to have occurred.

### **Filing an Equal Employment Opportunity (EEO) Complaint**

Reporting harassment does not automatically result in the filing of an EEO complaint. Employees or applicants who believe they have been subjected to unlawful discrimination and want to initiate an informal EEO complaint must contact CBP's Privacy and Diversity Office within 45 calendar days from the date of the alleged discriminatory event by:

- Emailing the CBP EEO Complaint Filing Mailbox at [cbpeeocomplaintfiling@cbp.dhs.gov](mailto:cbpeeocomplaintfiling@cbp.dhs.gov);
- Calling 1-877-MY-EEO-HELP (1-877-693-3643); or
- Contacting their servicing EEO Officer.