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## Functional Bureau Strategy

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### The Office of Civil Rights (S/OCR)

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## 1. Executive Statement and Mission Statement

The Office of Civil Rights (S/OCR)'s mission is to manage the Secretary's equal employment opportunity (EEO) program through its oversight of the EEO Process, management of the Anti-Harassment Program (AHP), educating employees about unlawful employment discrimination, facilitating resolution, and advocating change to overcome barriers that restrict equal employment opportunity.

S/OCR promotes the Leadership and Management Principles across the State Department because we recognize the importance of leadership in the workplace and its role in addressing complaints and concerns of discrimination, particularly harassment and retaliation. S/OCR operates to ensure all employees and applicants are provided a full and fair opportunity for employment, career advancement, and access to programs for employment by providing avenues of redress and remedying discriminatory behavior, in compliance with EEO laws and regulations. S/OCR manages the Department's Anti-Harassment Program (AHP), which is separate from the EEO process, to investigate allegations of harassment for management's immediate corrective action and possible disciplinary action. S/OCR strives for timely and sensitive customer service and a workforce equipped with knowing their EEO rights and responsibilities.

S/OCR must carry out its mission in a rapidly changing environment. We must consistently rise to the challenge to support employees worldwide, their careers, and the broader organization. We must adapt to the sociocultural context within the United States, to uphold EEO laws and Department regulations. S/OCR is both a programmatic and administrative office, working in tandem to empower employees to address issues of discrimination and harassment proactively, as well as reacting to the issues brought to us by applicants, employees, and leadership alike.

It is the policy of the Federal Government to treat all employees with dignity and respect and to provide a workplace that is free from discrimination. Federal laws protect employees and applicants from discrimination involving unfair treatment because of protected EEO bases; workplace harassment; denial of a reasonable religious or disability accommodation; and retaliation due to opposition to discrimination or participation in a protected EEO process.

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It is the policy of the Department of State to provide equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 or older), disability, or genetic information, and free from reprisal for prior EEO activity or opposition to illegal discrimination. Furthermore, it is the policy of the Department to provide equal opportunity and fair and equitable treatment in employment to all people without regard to marital status, political affiliation, and other non-merit-based factors. The Department also strives to achieve equal employment opportunity in all personnel operations through continuing diversity, equity and inclusion, and accessibility programs.

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## 2. Bureau Strategic Framework

**Bureau Goal 1:** Responsive and Efficient Case Processing: S/OCR improves management of its processes, resulting in greater confidence in the protections afforded by EEO laws, regulations, and Department policy to include the Anti-Harassment Program.

- **Bureau Objective 1.1:** Enhance the quality and improve timeliness of Anti-Harassment investigations.
- **Bureau Objective 1.2:** Maintain quality and improve timeliness of EEO investigations.
- **Bureau Objective 1.3:** Maintain a high-quality cadre of certified and active EEO Counselors and increase the reach of quality training, by creating a virtual version of PT171 (Basic EEO Counselor Training).
- **Bureau Objective 1.4:** Ensure that PT173 (EEO Counselor Refresher Training) will be structured, delivered, and evaluated for effectiveness, relevance, reach, and impact so that EEO Counselors have the Knowledge, Skills, and Attitudes needed to remain effective in their roles.
- **Bureau Objective 1.5:** Resolve conflict at the earliest possible level by using Mediation and other varied conflict resolution techniques.

**Bureau Goal 2:** Proactive Prevention: Raise awareness to result in a more informed workforce with an increased understanding of rights and responsibilities with respect to EEO and harassment.

- **Bureau Objective 2.1:** Enhance the quality of the EEO Counselor program by making it more competitive to become an EEO Counselor and by increasing the educational opportunities for existing Counselors.
- **Bureau Objective 2.2:** Improve management awareness of building a strong EEO program by providing Department bureaus, offices and missions technical assistance through periodic briefings and training.

- **Bureau Objective 2.3:** Generate resources and unique reports for bureaus/offices/posts with relevant data and guidance to mitigate discrimination and harassment.

**Bureau Goal 3:** Barrier Analysis: Work with stakeholders to conduct barrier analysis into potential barriers to Equal Employment Opportunity at the office/bureau/mission level.

- **Bureau Objective 3.1:** Advance diversity, equity, inclusion, and accessibility by embedding EEO principles more deeply into the agency's strategic mission and improve accountability by influencing the Department's human resources strategies and supporting Bureau/Office/Mission efforts.
- **Bureau Objective 3.2:** Identify potential barriers to advancement for historically underrepresented groups and work with stakeholders to analyze workforce data, policies, procedures, and practices.

**Bureau Cross-Cutting Management Objective 4.1:** Create an intentional and positive training transfer climate whereby S/OCR employees who have participated in training are provided support from supervisors and peers, a feedback mechanism, opportunities to use learned material and regular reviews of training material.

**Bureau Cross-Cutting Management Objective 4.2:** S/OCR improves cross-sectional learning and communication through inter-office rotational work, frequent collaboration, travel opportunities, off-sites, and team-building activities.

**Bureau Cross-Cutting Management Objective 4.3:** Create a culture where work-life balance is respected and encouraged.

### 3. Bureau Goals and Objectives

**Bureau Goal 1:** Responsive and Efficient Case Processing: S/OCR improves management of its processes, resulting in greater confidence in the protections afforded by EEO laws, regulations, and Department policy, to include the Anti-Harassment Program.

- **Bureau Goal 1 Description:** The methods for achieving this goal include EEO Counselor training, EEO Counselor formal and informal communications, S/OCR intra-office formal and informal communications, database tracking systems and reports, cross-system data comparisons, websites, Form 462, MD-715 and No FEAR Act reports, use of contractors, office/bureau/mission briefings and consultations, and surveys. Through these means, S/OCR strives to comply with legal and regulatory guidelines and timeframes, to provide high quality customer service, and to assist management in resolving issues early. Achievement of this goal supports fulfillment of 29 CFR 1614.

**Bureau Objective 1.1:** Maintain quality and improve timeliness of Anti-Harassment investigations.

- **Bureau Objective 1.1 Justification and Linkages:** The methods for achieving this goal include EEO Counselor training, EEO Counselor formal and informal communications, S/OCR intra-office formal and informal communications, database tracking systems and reports, cross-system data comparisons, websites, Form 462, MD-715 and No FEAR Act reports, use of contractors, office/bureau/mission briefings and consultations, and surveys. Through these means, S/OCR strives to comply with legal and regulatory guidelines and timeframes, to provide high quality customer service, and to assist management in resolving issues early. Achievement of this goal supports fulfillment of 29 CFR 1614. Harassment is a form of discrimination under 29 CFR 1614, failure to comply with regulatory time limits for EEO complaints increases the risk of default judgements, fines, or other penalties, which can increase the Department's potential liability, even in cases where the Department would otherwise not be found at fault. While the anti-discrimination statutes seek to remedy discrimination, the goal is to prevent violations. To assist the Department with taking immediate and correct action to increase accountability, the Department established an Anti-Harassment Program to investigate allegations of workplace harassment.
- **Bureau Objective 1.1 Risk Considerations:** Failure to promptly carry out inquiries into allegations of harassment similarly increases potential liability, can negatively affect productivity and morale, and can remove the deterrent effect of the Anti-Harassment Program. As there is greater awareness about employees' rights and resources, S/OCR has seen a steady increase in harassment reports. Additional full-time staff in S/OCR dedicated solely to investigating allegations of harassment would improve the overall timeliness of investigations, positively effecting Department employees who believe they have experienced workplace harassment, and potentially reducing liability for the Department.

**Bureau Objective 1.2:** Maintain quality and improve timeliness of EEO investigations.



- **Bureau Objective 1.2 Justification and Linkages:** The EEOC has statutory authority to investigate and conciliate charges of discrimination filed under Title VII, the Age Discrimination in Employment Act (ADEA), the Equal Pay Act (EPA), the Americans with Disabilities Act (ADA), and the Genetic Information Nondiscrimination Act (GINA). Title VII states that the Commission "shall make an investigation" of a charge filed with the Commission, but "does not define 'investigation' or prescribe the steps that the EEOC must take in conducting an investigation." Courts have generally recognized that the nature and extent of an EEOC investigation into a discrimination claim is a matter within the discretion of the agency. This also supports Objective 4.1 of the JSP.
- **Bureau Objective 1.2 Risk Considerations:** The agency is required to investigate the complaint in a timely manner. The investigation must be appropriate, impartial, and completed within 180 days of filing the complaint (as described more fully in Section V.D and in Chapter 6 of this Directive) or within the time period contained in an order from the Office of Federal Operations on an appeal from a dismissal pursuant to 29 C.F.R. § 1614.107(a). Failure to adhere to the timelines could result in a sanction from the EEOC.

**Bureau Objective 1.3:** Maintain a high-quality cadre of certified and active EEO Counselors and increase the reach of quality training, by creating a virtual version of PT171 (Basic EEO Counselor Training).

- **Bureau Objective 1.3 Justification and Linkages:** EEO Counselors may serve as the first point of contact, and therefore, they present an early opportunity for an Aggrieved individual to have his/her issues addressed by someone knowledgeable about the EEO process. This contact can greatly affect how an individual perceives the efficiency and fairness of the EEO process, as well as the Department of State's commitment to its EEO program. Duties of an EEO Counselor in accordance with [29 C.F.R. §1614](#) and [Management Directive 110](#). S/OCR conducts EEO Counselor training based on the need for new counselors. S/OCR conducts annual refresher training and requires that all EEO Counselors maintain their required training. In order to provide the best training possible for EEO Counselors around the world, S/OCR has created a virtual refresher training and is working on a virtual version of PT171. This also supports Objective 4.1 of the JSP.
- **Bureau Objective 1.3 Risk Considerations:** EEO Counselors provide counseling to Aggrieved Department of State employees (CS, FS, EFM, contractors, FSN/LE Staff) or applicants for employment. Due to the cost associated in training individuals to serve as EEO Counselors, all individuals applying for the role must agree to serve for a minimum of four years. At least one of the four years should be at the post where the individual was endorsed to ensure the most effective use of Department resources. Individuals who do not agree will not be approved to serve as EEO Counselors.

**Bureau Objective 1.4:** Ensure that PT173 (EEO Counselor Refresher Training) will be structured, delivered, and evaluated for effectiveness, relevance, reach, and impact so that EEO Counselors have the Knowledge, Skills, and Abilities (KSAs) needed to remain effective in their roles.

- **Bureau Objective 1.4 Justification and Linkages:** S/OCR maintains an EEO Counselor Program which consists of over 300 collateral duty EEO Counselors, located worldwide. EEO Counselors work on behalf of S/OCR to serve the entire Department. Duties of an EEO Counselor in accordance with 29 CFR 1614 and Management Directive 110. EEO Counselors are essential in order for S/OCR to maintain the informal EEO process on behalf of the Department. According to MD-110, new EEO Counselors, including contract and collateral-duty EEO Counselors, receive a minimum of thirty-two (32) hours of EEO Counselor training prior to assuming counseling duties. In addition to the training for new EEO Counselors, all EEO Counselors are required to receive at least eight (8) hours of continuing EEO Counselor training each fiscal year. This also supports Objective 4.1 of the JSP.
- **Bureau Objective 1.4 Risk Considerations:** A strong EEO Counselor Program has both tangible and intangible benefits to employees across the Department. A weak or unsuccessful program can have greater implications such as S/OCR's inability properly counsel EEO complaints timely which fosters employee mistrust in the EEO process, failure to meet regulatory guidelines and timeframes which could lead to sanctions from the EEOC.

**Bureau Objective 1.5:** Use varied conflict resolution techniques, in addition to mediation, to resolve conflict at the earliest possible level.

- **Bureau Objective 1.5 Justification and Linkages:** In 1990, the Administrative Dispute Resolution Act (ADRA) required each federal agency to adopt a policy on ADR use. The [Equal Employment Opportunity Commission](#) (EEOC) now requires all federal agencies to establish or make available an alternative dispute resolution (ADR) program during the [pre-complaint and formal complaint](#) stages of the Equal Employment Opportunity (EEO) process. 29 C.F.R. 102(b)(2). Additionally, the EEOCs regulations, [29 C.F.R. § 1614.603](#), require agencies to make reasonable efforts to voluntarily settle EEO discrimination complaints as early as possible in, and throughout, the administrative process.

- **Bureau Objective 1.5 Risk Considerations:** EEOC regulations require agencies to establish or make available an ADR program in both the informal and formal EEO administrative processes. Counselors must advise aggrieved persons that, where the agency agrees to offer ADR in the particular case, they may choose between participation in the alternative dispute resolution program and the counseling activities provided for in paragraph (c) of this section. 29 C.F.R. 1614.105(b)(2). Non-U.S. citizens (LES/FSN) may also utilize the ADR process, but only in the informal process. The Department is liable for failing to provide an avenue of redress for employees, applicants, and former employees. This could result in a sanction by the EEOC.

**Bureau Goal 2: Proactive Prevention:** Raise awareness to result in a more informed workforce with an increased understanding of rights and responsibilities with respect to EEO and harassment.

- **Bureau Goal 2 Description:** The methods for achieving this goal include EEO/harassment training and briefings, EEO Counselor training, Locally Employed (LE) Staff EEO Liaison training, individualized and bureau/office/mission consultations and technical assistance, outreach activities, and EEO training. Through these means, S/OCR strives to inform Department employees and leaders about the importance of respecting EEO laws and to equip the workforce with knowledge of their rights and responsibilities under the EEO laws. Also, S/OCR educates employees on how to seek redress for alleged discrimination and how to report discriminatory and sexual harassment. Achievement of this goal supports 29 CFR 1614.

**Bureau Objective 2.1:** Enhance the quality of the EEO Counselor program by making it more competitive to become an EEO Counselor and by increasing the educational opportunities for existing Counselors.

- **Bureau Objective 2.1 Justification and Linkages:** Collateral-duty EEO Counselors, which number nearly 350 are the main sources of information and the first line of defense in responding to employee questions pertaining to the EEO process, training LE Staff EEO Liaisons, providing insight into issues and problems in bureau/offices/missions, reporting possible incidents of harassment and resolving cases early in the EEO process. This supports Objective 4.1 of the JSP and the Department's DEIA Strategic Plan.
- **Bureau Objective 2.1 Risk Considerations:** Collateral-duty EEO Counselors support the Department's EEO program by providing timely information to employees who believe they have been discriminated against. Without on-going learning opportunities an qualified counselors who understand the importance of their role, the Department risks tarnishing the quality and reputation of the program. The risk of misinformation from EEO Counselors who have not been properly trained creates legal liability for the Department and grave consequences for employees who do not trust or understand the EEO complaint process.

**Bureau Objective 2.2:** Improve management awareness of building a strong EEO program by providing Department bureaus, offices, and missions technical assistance through periodic briefings and training.

- **Bureau Objective 2.2 Justification and Linkages:** S/OCR views employee's knowledge of EEO laws and the harassment inquiry process as vital for conflict prevention, general workplace morale and building a model workplace that values fairness, equity and inclusion. Management/leadership commitment is required in order to create and maintain a culture of leadership at all levels of the Department. S/OCR seeks to achieve this commitment by informing Department employees of their rights based on federal employment discrimination laws and providing technical assistance to management/leadership in achieving a model EEO program. This supports the Departments Diversity, Equity, Inclusion and Accessibility Strategic Plan. This also supports Objective 4.1 of the JSP.
- **Bureau Objective 2.2 Risk Considerations:** The risk of misinformation from EEO Counselors who have not been properly trained creates legal liability for the Department and has grave consequences for employees who do not trust or understand the EEO complaint process.

**Bureau Goal 3:** Collaborate with stakeholders to hold all managers, supervisors, and EEO Officials responsible for the effective implementation of the agency's EEO Program and Plan.

- **Bureau Goal 3 Description:** The methods for achieving this goal include special emphasis programs, Congressional reports, barrier and trend analysis per the EEOC's guidance, briefings, model frameworks for bureau/office/mission initiatives, and the Diversity, Equity Inclusion and Accessibility Strategic Plan. Through these means, S/OCR strives to help employees and leaders understand their roles in promoting EEO principles in the Department as well as in their individual workplaces. Achievement of this goal supports 3 FAM 1500 Equal Employment Opportunity; the Joint Strategic Plan's Strategic Goal 4, "Revitalize the diplomatic and development workforce and institutions"; Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities"; Executive Order 14035, "Advancing Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce"; and EEOC MD-715.

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**Bureau Objective 3.1:** Sustain commitment and support for barrier analysis by engaging agency leadership through technical assistance and analysis of potential barriers to equal employment opportunity.

- **Bureau Objective 3.1 Justification and Linkages:** To assist federal agencies in identifying barriers to equal employment opportunities, the Office of Federal Operations (OFO) at the EEOC has created a guide and training on the barrier analysis process. The goal of barrier analysis under EEOC Management Directive 715 is to identify the root causes of disparities in equal employment opportunities so that federal agencies can take action to remedy the policies, procedures, and practices that lead to such disparities. E.O. 14035 re-established a coordinated Government-wide initiative to promote diversity and inclusion in the Federal workforce and expand its scope to include equity and accessibility; provide agencies with information, resources, and a methodology to assess the current state of DEIA in their workforce; issue a government-wide DEIA Strategic Plan, including a framework to address workplace harassment and a data-driven approach to increase transparency and accountability; and establish a reporting system for agencies to submit plans. This also supports Performance Goal 4.1.3 of the JSP.
- **Bureau Objective 3.1 Risk Considerations:** The federal government should serve as a model employer in preventing and addressing workplace harassment (including sexual harassment), fostering a safe environment, and preventing retaliation. This includes preventing and responding to workplace harassment experienced by federal employees, including employees from underserved communities. The cornerstone of a successful harassment prevention strategy is consistent and demonstrated commitment of senior leaders to create and maintain a culture in which harassment is not tolerated. Agency leadership must recognize that all forms of harassment, including sexual harassment, take place as part of a continuum of harm, and that prevention and accountability are critical in reducing the risk of further harm in the workplace.

**Bureau Objective 3.2:** Embed EEO principles more deeply into the agency's strategic mission and improve accountability by influencing the Department's human resources strategies and supporting Bureau/Office/Mission efforts to promote equal employment opportunities.

- **Bureau Objective 3.2 Justification and Linkages:** The laws and executive orders prohibiting discrimination in the federal civilian workplace mandate that personnel decisions be made free from discrimination on protected bases. To help ensure this, MD-715 requires agencies to conduct self-assessments of their policies and procedures to identify any barriers to a discrimination-free and open workplace. To achieve this objective, S/OCR must work in close association with the GTM and S/ODI, as well as individual office/bureaus/missions. Enhancing our barrier analysis capabilities will help the Department achieve this goal. The Department has a strategic imperative in Objective 4.1 of the JSP to promote DEIA: to finally and meaningfully deliver on the promise of workforces that look like the nation they represent, the Department of State and USAID will identify and eliminate barriers to equity, implement targeted recruitment and retention efforts, and establish provisions for DEIA accountability. The Department of State and USAID will build on their successes in supporting employees with disabilities by promoting enhanced career opportunities and workplace accommodations. Analyzing workforce data and taking actions to address barriers to equity are a priority for both agencies.



- **Bureau Objective 3.2 Risk Considerations:** Objective JSP 4.1 states: Cultivating a workforce that draws on the diversity of our nation’s talent will yield more effective and agile organizations skilled at tackling our greatest diplomatic, development, and humanitarian challenges. Evidence-building activities will include identifying how well programs and initiatives achieve this strategic objective will be essential in measuring Department of State and USAID success and sustainability in fostering a diverse and inclusive workforce throughout the employee lifecycle. By setting strategic goals, the Department can better understand areas of growth and development. Failure to set and meet strategic goals across the Department at varying levels will lead to fragmented efforts and an inability to measure progress. While progress on DEIA can be difficult to measure, a cohesive and strategic plan aims to measure any progress that can be tracked, as well as pave the way for future progress by recognizing gaps and deficiencies.

## 4. Bureau Cross-Cutting Management Objectives

**Bureau Cross-Cutting Management Objective 4.1:** Create an intentional and positive training transfer climate whereby S/OCR employees who have participated in training are provided support from supervisors and peers, a feedback mechanism, opportunities to use learned material, and regular reviews of training material.

- **Bureau Cross-Cutting Management Objective 4.1 Justification and Linkages:** S/OCR must afford its own staff conditions conducive to high morale, knowledge-building, leadership, and workplace satisfaction. To maintain a culture of learning and professional growth within S/OCR, employees must be given the tools and have opportunities to gain knowledge, skills and attitudes to perform and improve their role within the office. Per OPM, training and development are one of the most critical areas to the success of an organization and their workforce to facilitate mission accomplishment. Organizations spend billions of dollars each year on training, yet only a fraction of that investment results in improved performance if training transfer is not supported by stakeholders.

The goal of training is not simply to gain knowledge and skills, but to transfer learning into performance, which in turn leads to improvements in agency results. S/OCR will ensure that their annual budget proper funding for these opportunities. The use of effective transfer of training principles can help maximize the effectiveness of training. It is important to recognize and overcome the many factors that can inhibit the transfer of training, such as lack of accountability, inadequate resources, and few opportunities to use training knowledge. Supervisory support activities, coaching, opportunities to perform, and regular reviews of training material will solidify knowledge and contribute to positive training transfer. With input from division chiefs and the front office, all employees must develop a professional development plan that documents the goals, required skills competency development, and specific trainings/courses need to support

their improvement and development. Employees and their supervisors must evaluate how they are incorporating these trainings and objectives into their work. This supports the DEIA Strategic Plan as well as Objective 4.1 of the JSP.

- **Bureau Cross-Cutting Management Objective 4.1 Risk Considerations:** S/OCR provides technical assistance across the Department. Without adequate training and utilization of skills learned from training, S/OCR will not be able to support Department employees in S/OCR's processes and programs. For employees who do not utilize their skills fully, this wastes Department funding that could be used in other ways.

**Bureau Cross-Cutting Management Objective 4.2:** S/OCR improves cross-sectional learning and communication through inter-office rotational work, frequent collaboration, travel opportunities, off-sites, and team-building activities.

- **Bureau Cross-Cutting Management Objective 4.2 Justification and Linkages:** S/OCR values diversity of perspectives and insights for improving S/OCR's work and to deliver services efficiently, as well as build trust among colleagues and internal and external partners. S/OCR seeks to promote this openness to learning about areas outside of their expertise within the office to enhance our role within the Department. In order to foster a greater sense of empowerment and inclusion, S/OCR leadership will provide more opportunities to gain insight, buy-in and hear directly from S/OCR employees in order to mitigate any potential bias due to a lack of communication and sharing of ideas from across all sections. This supports Objective 4.1 of the JSP.

- **Bureau Cross-Cutting Management Objective 4.2 Risk Considerations:** A lack of communication or miscommunication between sections can affect S/OCR's ability to complete its mission. This adds additional inefficiencies when timelines are missed, or issues arise.

**Bureau Cross-Cutting Management Objective 4.3:** Create a culture where work-life balance is respected and encouraged.

- **Bureau Cross-Cutting Management Objective 4.3 Justification and Linkages:** Minds that are focused, organized, and energized get more done in less time. A report by the Corporate Executive Board, which represents 80 percent of the Fortune 500 companies, found that employees who feel they have good work-life balance work 21 percent harder than those who do not. S/OCR has an important mission guided by regulatory guidelines, often creating a feeling of urgency and strict due dates. This supports Objective 4.1 of the JSP.
- **Bureau Cross-Cutting Management Objective 4.3 Risk Considerations:** Work-life balance is even more important when dealing with Department employees' concerns of workplace harassment and discrimination. If our office cannot take time to reset, Department employees will feel the effects. This could result in slow investigation times, mistakes in processing EEO complaints, and S/OCR's inability to advance the Department's EEO program.