

Professional Conduct at the FDIC

Objectives

By the end of this course, you will be able to:

- Outline the scope of the FDIC's Office of Professional Conduct (OPC) and its processes.
- Gain awareness of conduct that is prohibited in the workplace: harassment, interpersonal misconduct, and retaliation.
- Describe procedures for reporting harassment, interpersonal misconduct, and retaliation.

About the Office of Professional Conduct (OPC)

OPC receives, investigates, and ensures accountability for FDIC employees and contractors as it pertains to allegations of:

- Harassment ([Directive 2710.03](#))
- Interpersonal Misconduct
- Retaliation ([Directive 2400.02](#))

OPC also:

- Identifies and reports on trends related to the above allegations.
- Advises leadership about professional conduct in the workplace.
- Trains the workforce about professional conduct in the workplace.
- Manages FDIC's policies and procedures related to harassment, interpersonal misconduct, and retaliation.

- Determines appropriate corrective action about the above allegations, including discipline, and represents FDIC in legal challenges to these actions.

More about the OPC

- **Mission:** OPC ensures the integrity of FDIC's mission by fostering a professional workplace that is free of harassment, interpersonal misconduct, and retaliation.
- **Impartial and Unbiased Processes:** OPC is an independent office that reports directly to the FDIC Board of Directors.
- **Trained Staff:** OPC staff include professional investigators and attorneys. OPC leverages its investigators and third-party law firms to conduct investigations. OPC attorneys provide legal advice on OPC investigations and actions arising from those investigations.
- **Locations:** OPC has staff at FDIC Headquarters and in certain FDIC Regional Offices.

To learn more about OPC, visit the [OPC website](#).

Harassment

Key Term: Harassment

The FDIC prohibits any form of harassment.

What is harassment? Any conduct, both verbal and non-verbal, that is unwelcome to the individual and objectively offensive.

Discriminatory harassment: If the harassment is based on an individual's race, color, sex (including pregnancy), religion, national origin, age (over 40), disability, genetic information, or protected Equal Employment Opportunity activity, then it may be discriminatory harassment if it is also severe or pervasive (frequent).

Other types of harassment: Harassment that is not discriminatory is also prohibited by the FDIC. This includes bullying and intimidation.

If you are unsure whether the conduct is harassment, please contact OPC at OPC@fdic.gov.

Examples of Harassment

- Offensive jokes, comments, objects, or pictures.
Example: Making a joke about a colleague's disability.
- Sexual harassment, such as requests for sexual favors or sexual advances.
Example: Pressuring a colleague to go on a date.
- Inappropriate touching or comments.
Example: Massaging a colleague's shoulders.
- Ridiculing or mocking.
Example: Mocking a colleague's accent.

- Engaging in bullying, intimidating, or threatening conduct.
Example: Yelling at a colleague.
- Insults or put-downs.
Example: Calling an employee “stupid” in a staff meeting.

More examples can be found on the [OPC Harassment webpage](#).

What Can I Do If I Experience or Observe Harassment?

If you have experienced or observed **harassment** you can file a complaint directly with OPC.

- Use our online form via the [OPC website](#)
- Email us at OPC@fdic.gov
- Call us at (877) 367-2720

While there is no time limit for filing a complaint with OPC, filing immediately will allow FDIC to address the conduct promptly. You may request that OPC keep your identity confidential or file a complaint anonymously.

If you have experienced **discriminatory harassment**, you can also file a complaint with the [FDIC Office of Equal Employment Opportunity](#) (OEEEO). You have 45 calendar days after the conduct to contact the OEEEO.

Interested in learning more?

- Visit the [OPC website](#)
- See [FDIC Directive 2710.03, Anti-Harassment Program](#)

You can file a complaint about harassment even if the conduct was not directed at you.

While encouraged, you do not need to report harassment to your

supervisor or use the chain of command to report harassment. You can file a complaint directly with OPC.

If you are unsure whether the conduct is harassment, please contact OPC at OPC@fdic.gov.

Manager Responsibilities - Harassment

What are my responsibilities as a manager? Once you become aware of harassment, you must report it to OPC within two (2) business days of becoming aware of the conduct, even if the employee does not want you to report it.

While OPC investigates, we can advise you on appropriate interim measures. You may also take interim measures without waiting to consult with OPC. For example, in cases involving sexual harassment, you may need to temporarily detail the alleged harasser to a different group.

How can I report harassment to OPC as a manager? You may report the allegation via the [OPC website](#).

Retaliation

Key Term: Retaliation

The FDIC prohibits retaliation for filing a complaint or engaging in protected activities.

What is retaliation? Actions that an individual takes, threatens to take, or does not take (e.g., not giving you a promotion) because you filed a complaint or engaged in protected activities.

What types of complaints are covered?

- Filing a complaint with OPC, the Office of Inspector General (OIG), the U.S. Office of Special Counsel, or Congress.
- Filing an Equal Employment Opportunity (EEO) complaint.

What is a protected activity?

- Participating in an investigation conducted by OPC, OIG, or other federal investigate entity.
- Participating in an EEO investigation, in the EEO process, or a requesting reasonable accommodation.
- Raising concerns about any violation of law, rule, or regulation, including FDIC policies.
- Raising concerns about gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Examples of Retaliation

- A manager asks you to withdraw a complaint filed with OPC saying they want to promote you but cannot do so when you have a pending complaint with OPC.
- An employee raises concerns about unlawful procurement issues with

the OIG. The employee's manager tells the employee that they should not have gone directly to the OIG. The manager informs the employee that they have lost trust in the employee and reassigns the employee to another position.

More examples can be found on the [OPC Retaliation webpage](#).

What Can I Do If I Experience Retaliation?

If you have experienced **retaliation**, you can file a complaint directly with OPC.–

- Use our online form via the [OPC website](#)
- Email us at OPC@fdic.gov
- Call us at (877) 367-2720

While there is no time limit for filing a complaint with OPC, filing immediately will allow FDIC to address the conduct promptly. You may request that OPC keep your identity confidential or file a complaint anonymously with OPC.

If you have experienced retaliation for participating in an EEO investigation or the EEO process, you can file a complaint with the [FDIC Office of Equal Employment Opportunity](#) (OEEO). You have 45 calendar days from the date of the conduct to contact OEEO.

Interested in learning more?

- Visit the [OPC website](#)
- See [FDIC Directive 2400.02, Anti-Retaliation and Whistleblower Rights](#)

While encouraged, you do not need to report retaliation to your supervisor or use the chain of command to report retaliation. You can file a complaint directly with OPC.

If you are unsure whether conduct is retaliation, please contact OPC at OPC@fdic.gov.

U.S. Office of Special Counsel (OSC)

You may also file a whistleblower retaliation complaint with the U.S. Office of Special Counsel (OSC) at www.osc.gov.

Manager Responsibilities - Retaliation

What are my responsibilities as a manager? Once you become aware of retaliation, you must report it to OPC within two (2) business days of becoming aware of the conduct.

How can I report retaliation to OPC as a manager? You may report the allegation via the [OPC website](#).

Interpersonal Misconduct

Key Term: Interpersonal Misconduct

What is interpersonal misconduct?

Generally, conduct that is contrary to FDIC values. For example, FDIC prohibits romantic or sexual relationships between individuals in unequal positions. If such a relationship exists, the parties in the relationship must notify their manager or OPC.

Failure to follow the required reporting procedures for any romantic or sexual relationship between parties in unequal position may be considered a form of interpersonal misconduct. For additional information about this example, please see [FDIC Directive 2400.04, Personal Relationships in the Workplace](#).

Maintaining the Public's Trust

- Public service requires the public's trust.
- Interpersonal misconduct, whether it occurs on or off duty, can undermine public trust and the FDIC's integrity.

Examples of Interpersonal Misconduct

- Lack of candor during an investigation or inquiry conducted by OPC.
- Failure to cooperate or refusing to participate in an investigation or inquiry conducted by OPC.
- A manager's failure to report harassment or retaliation.
- Taking an action to influence, intimidate, impede, or otherwise obstruct an OPC investigation or inquiry.

- Sexual misconduct, for example watching pornography while at work.

Where Can I Report Interpersonal Misconduct?

You can report **interpersonal misconduct** directly to OPC.

- Use our online form via the [OPC website](#)
- Email us at OPC@fdic.gov
- Call us at (877) 367-2720

There is no time limit for filing a complaint with OPC, but filing immediately will allow FDIC to address the conduct promptly. You may request that OPC keep your identity confidential or file a complaint anonymously with OPC.

Interested in learning more?

- Visit the [OPC website](#)
- See [FDIC Directive 2400.04, Personal Relationships in the Workplace](#)

If you are unsure whether conduct is interpersonal misconduct, please contact OPC at OPC@fdic.gov.

Office of Inspector General (OIG)

You may also report misconduct, including interpersonal misconduct, to the FDIC Office of Inspector General (OIG).

For more information or to file a complaint with OIG visit the [OIG website](#).

Complaint Process

Complaint Process Steps

What happens after I report harassment, retaliation, or interpersonal misconduct to OPC?

1. **Intake:** OPC will contact you within 2 business days or less to confirm receipt of your allegation.
2. **Clarification Interview:** An OPC investigator will conduct a clarification interview to better understand your allegation. You may be asked to provide information, including documentation, and identify potential witnesses regarding the allegation.
3. **Investigation:** OPC investigates the allegation, including gathering documentation and interviewing the subject of the allegation. OPC also interviews witnesses and other individuals that may have relevant information. OPC prepares a report of investigation, which contains the allegations, facts, law, analysis, and conclusion about whether an allegation is substantiated or not substantiated.
4. **Close Out:** OPC will contact you once an investigation concludes. You will be notified whether the allegations were substantiated and an OPC staff member will be able to address your questions.

Interim Relief

Under certain circumstances, OPC may recommend or direct interim relief measures pending the conclusion of an OPC investigation.

For example, if sexual harassment is being alleged, OPC may issue a No-Contact Order to ensure the alleged harasser does not have any contact with the complainant.

Conclusion

Summary

- The Office of Professional Conduct (OPC) is an independent FDIC office that fosters a professional workplace that is free of harassment, interpersonal misconduct, and retaliation.
- OPC is responsible for receiving, reviewing, and investigating complaints of harassment, interpersonal misconduct, and retaliation.
- Employees can file a complaint alleging harassment, interpersonal misconduct, and retaliation directly with OPC.
- Managers must report allegations of harassment and retaliation to OPC two (2) business days of becoming aware of the conduct.

If you are unsure whether conduct involves harassment, interpersonal misconduct, or retaliation, you can reach out to OPC@fdic.gov.

Learn more about OPC

Visit our [OPC website](#)

How to File a Complaint with OPC

- Use our online form via the [OPC website](#)
- Email us at OPC@fdic.gov
- Call us at (877) 367-2720

Timing: While there is no time limit for filing a complaint with OPC, filing immediately will allow FDIC to address the conduct promptly.

Confidentiality: You may request that OPC keep your identity confidential or file a complaint anonymously with OPC.

Manager Responsibilities - Harassment or Retaliation

What are my responsibilities as a manager? Once you become aware of harassment or retaliation, you must report it to OPC within two (2) business days of becoming aware of the conduct.

For harassment: You must report the conduct even if the employee does not want you to report it. While OPC investigates, we can advise you on appropriate interim measures. You may also take interim measures without waiting to consult with OPC. For example, in cases involving sexual harassment, you may need to temporarily detail the alleged harasser to a different group.

How can I report harassment to OPC as a manager? You may report the allegation via the [OPC website](#).

Course Completion

Congratulations! You have completed this course.

[Office of Professional Conduct](#)

Visit our website to learn more about the OPC.

You may also email OPC@fdic.gov or call us at (877) 367-2720.

[U.S. Office of Special Counsel](#)

This site provides guidance about the
Whistleblower protections afforded to all federal employees.

[Office of Inspector General](#)

Misconduct Concerns

Hotline: 1-800-964-3342