



**NATURAL  
RESOURCES**  
COMMITTEE DEMOCRATS  
RANKING MEMBER  
**RAÚL M. GRIJALVA**

# #InteriorToo

**Addressing sexual harassment across the Department of the Interior  
starts with strong anti-harassment policies**

**A report by the Democratic staff of the  
House Committee on Natural Resources**

**NOTE: This report has not been officially adopted by the Committee on Natural Resources and  
may not necessarily reflect the views of its members**

Released: January 25, 2018

## Executive Summary

In January 2016, the Office of the Inspector General at the Department of the Interior (DOI) released a report detailing a long-term pattern of sexual harassment and misconduct at Grand Canyon National Park. Since then, additional reports and the results of an agency-wide survey have revealed that sexual harassment is a pervasive problem throughout other parks run by the National Park Service.

The outgoing Obama administration surveyed all DOI employees to determine whether harassment issues extend to the other bureaus. Results released in December 2017 showed that 8.0% of DOI employees reported experiencing sexual harassment and more than one third of employees (35%) reported experiencing some form of harassment.

The results are not surprising because DOI is at risk for harboring a sexual harassment problem. At least five of 12 risk factors that predispose a workplace to sexual harassment are present at DOI and its bureaus. The risk factors include employing a disproportionate number of men, power disparities between women and men, and geographic isolation. The risk factors can be eliminated or managed.

According to the Equal Employment Opportunity Commission (EEOC), a strong anti-harassment policy is a necessary first step in a comprehensive strategy to address harassment. A review of anti-harassment policies using standards established by the EEOC uncovered significant deficiencies at DOI and most of its bureaus. Policies at the Bureau of Land Management and the Department of the Interior were found to be the most deficient. Those at the National Park Service and the Fish and Wildlife Service were found to be the least deficient.

**DOI and bureau leadership must strengthen their policies and procedures so that employees can effectively report, investigate, and appropriately respond to harassment claims.**

## Bureaus in the Department of the Interior (DOI)

**National Park Service**  
(NPS)

**U.S. Fish and Wildlife Service**  
(FWS)

**Bureau of Land Management**  
(BLM)

**Bureau of Reclamation**  
(BOR)

**U.S. Geological Survey**  
(USGS)

**Bureau of Indian Affairs**  
(BIA)

**Bureau of Ocean Energy Management**  
(BOEM)

**Bureau of Safety and Environmental Enforcement** (BSEE)

**Office of Surface Mining Reclamation and Enforcement** (OSMRE)

## Sexual harassment in the news, on social media...

### ...and in our National Parks

In 2017, a series of high profile sexual harassment cases, culminating in the case of Hollywood producer Harvey Weinstein, catalyzed a movement. Thousands of women posted “#metoo” on social media to share their own experiences with sexual harassment or assault, signaling loud and clear that the problem extends beyond major headlines. This spontaneous, virtual uprising helped inspire women, whose voices have been suppressed for too long, to come forward with their stories, taking on even the most powerful men. For their courage, these silence-breakers were named TIME Magazine’s Person of the Year 2017.<sup>1</sup> High-ranking, famous, and even long-revered figures have finally been held accountable for their actions, including former Today Show anchor Matt Lauer, failed U.S. Senate candidate Roy Moore, celebrity chef Mario Batali, comedian Louis CK, Uber CEO Travis Kalanick, actor Kevin Spacey, and music mogul Russell Simmons.

**Even before the recent stream of revelations, multiple investigations by the Department of the Interior’s Office of the Inspector General (OIG) uncovered a pattern of sexual harassment and misconduct at the National Park Service (NPS).**

In January 2016, the OIG released a report detailing the accounts of 13 female employees at Grand Canyon National Park.<sup>2</sup> These women described a 15-year history of “discrimination, retaliation, and a sexually hostile work environment” in the park’s River District. The investigation confirmed their reports and identified 22 other individuals who reported similar experiences. The investigation discovered that some of these incidents were reported to supervisors or managers, but were never properly investigated.

Since then, the OIG has issued several additional investigative reports involving NPS. One report described five years of sexual harassment and misconduct perpetrated by a law enforcement supervisor at Canaveral National Seashore.<sup>3</sup> Another report substantiated claims of sexual harassment by a law enforcement supervisor at Chattahoochee National Seashore.<sup>4</sup> Another confirmed sexual harassment allegations against a management official at De Soto National Memorial.<sup>5</sup> Another report found that the maintenance division in Yellowstone National Park created a “men’s club” environment through inappropriate comments and behavior towards women.<sup>6</sup> Finally, in January 2018, the OIG released a report describing yet another case of sexual harassment at Grand Canyon National Park.<sup>7</sup>

### **Canaries in the Coal Mine: NPS Employees’ Experiences in their own Words**

The boatmen and supervisor all tried to “get laid as much as possible” during river trips.<sup>8</sup>

He pointed toward the bed and said, “But we’re here. Why not? No one will know.”<sup>10</sup>

“This person was in complete control of everything I needed to survive. I was terrified.”<sup>9</sup>

Yellowstone was a “man’s world.” Park officials needed to “wake up.”<sup>11</sup>

## Employee surveys show that harassment is not just a problem at NPS—it plagues the entire Department of the Interior.

At the request of a bipartisan group of members from the U.S. House Committee on Natural Resources,<sup>12</sup> the Obama administration initiated an anonymous climate survey among all permanent NPS employees, who were surveyed from January to March 2017.<sup>13</sup> The survey found that 10.4% of NPS employees reported experiencing sexual harassment and 1.0% reported experiencing sexual assault in the 12 months before the survey.<sup>14</sup>

At the same time, DOI conducted a climate survey that included headquarters staff and staff at each of the nine bureaus.<sup>15</sup> The purpose of the survey was to assess “attitudes, perceptions, and behaviors” related to harassing and/or assault behaviors. Nearly half (46.2%) of DOI’s 61,020 permanent employees participated, yielding a sample that was found to be representative of all DOI employees. Selected findings are presented here.<sup>16</sup>

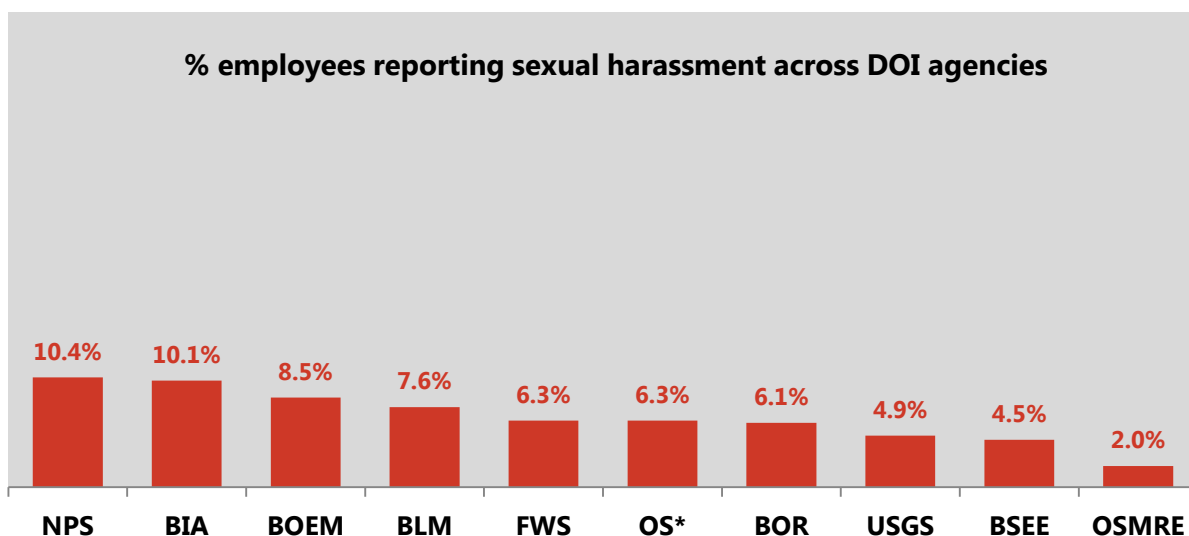
### Sexual Harassment

The survey found that **nearly 1 out of 10 DOI employees (8.0%) reported experiencing sexual harassment in the past 12 months. In that same timeframe, 0.7% reported sexual assault.**



**Among women only, the numbers were even higher.**  
**13.3%** reported sexual harassment.  
**1.1%** reported sexual assault.

When the data are broken down by bureau, as shown below, there is substantial variation (bureau acronyms are spelled out on page 1). Of note, NPS has the highest percentage of employees reporting sexual harassment among the bureaus. The Bureau of Indian Affairs and the Bureau of Ocean Energy Management also top the list.



\*DOI's Office of the Secretary

In addition to sexual harassment, the climate survey assessed harassment based on age, race/ethnicity, religious beliefs, disability status, sexual orientation, and/or gender. The results for employees reporting some form of harassment, including sexual harassment and assault, are below.

## Some Form of Harassment

The survey found that **3.5 out of 10 DOI employees (35.0%)** reported experiencing some form of harassment in the past 12 months.



Among those who experienced harassment:

**74.7%** **DID NOT** file a report, complaint, or grievance

**25.3%** **DID** file a report, complaint, or grievance

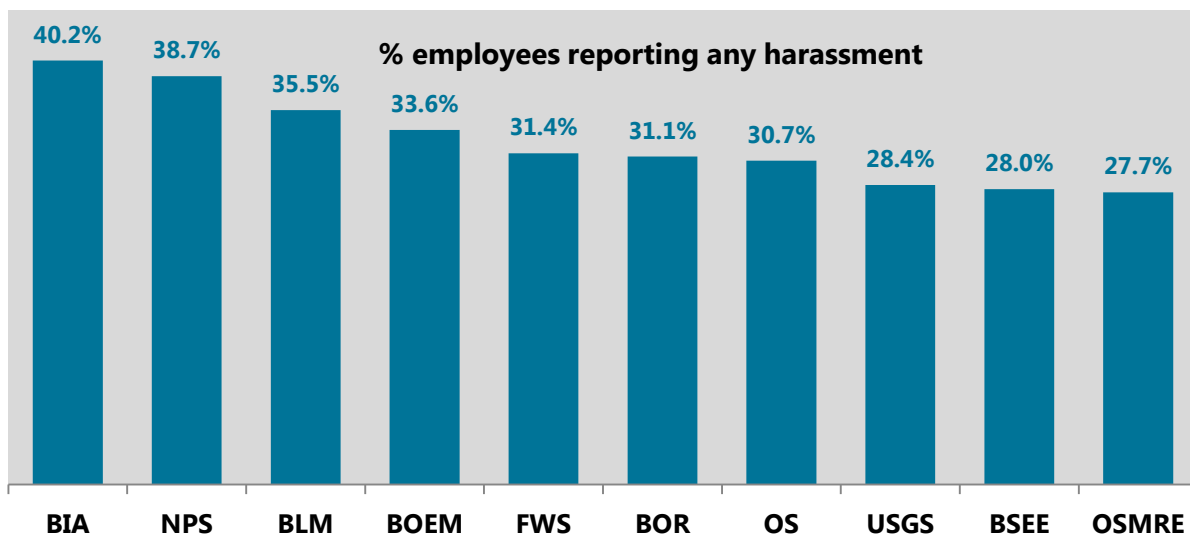
### Why didn't the person file a report?

- 46.0%** said they did not think anything would be done.
- 32.4%** did not trust that the process would be fair
- 33.9%** thought it might hurt their career.
- 29.1%** worried about negative consequences from leadership.
- 11.4%** feared losing their jobs.

### What happened after the report was filed?

- 39.9%** of complainants said no action was taken.
- 38.7%** were encouraged to drop the issue.
- 33.8%** were retaliated against by the alleged harasser.
- 29.1%** were punished by leadership for making the report.
- 15.4%** were threatened with loss of employment.

Similar to sexual harassment, the percentage of employees reporting some form of harassment varies by bureau. The Bureau of Indian Affairs and NPS have the highest percentage of employees reporting harassment, while small bureaus like BSEE and OSMRE have the lowest percentage.



## Asking the Experts:

### Are certain organizations at greater risk for harassment?

The climate survey showed that harassment is a real problem for employees across DOI. To help understand why organizations like DOI may be at a higher risk than others for having a harassment problem, the Equal Employment Opportunity Commission (EEOC) convened a select task force to study harassment in the workplace.<sup>17</sup> In June 2016, the EEOC Task Force published the *Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*.<sup>18</sup> The report identified **12 unique environmental risk factors** that increase the likelihood that harassment, including sexual harassment, will occur in the workplace.<sup>19</sup>

#### What is the EEOC?

The EEOC is the federal agency that enforces laws prohibiting workplace discrimination, including harassment, against a job applicant or employee based on the person's race, color, religion, sex (including pregnancy, gender identity, and sexual harassment), national origin, age, disability, retaliation, or genetic information.

Though the existence of these risk factors in an organization does not mean that harassment is inevitable, a workplace with one or more factors should proactively implement strategies to address them. There is evidence that at least 5 of the 12 risk factors for harassment exist at DOI and its bureaus, as shown in the table below. It is possible that additional data (e.g., internal DOI surveys) could uncover evidence for other risk factors as well. Risk factors may be more prevalent in some bureaus or offices than others. The evidence supporting each of the checked risk factors is summarized on the following pages.

Addressing these environmental risk factors is necessary, but is not sufficient to purge harassment from an organization entirely. One of the first steps in a serious effort to address sexual harassment should be to take measures to formally assess and, where possible, eliminate these risk factors.

✓ = Evidence found for risk factor at DOI

■ = Sufficient evidence not found

#### Risk Factors for Sexual Harassment in an Organization

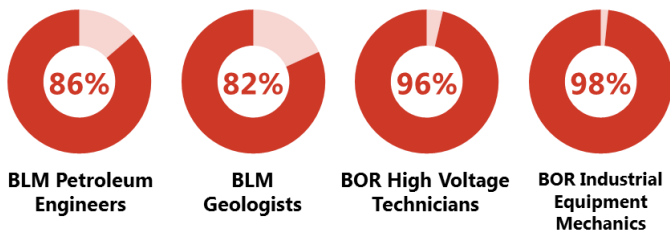
- |   |   |
|---|---|
| ✓ Homogenous workforces   | ■ Workplaces with "high value" employees                            |
| ✓ Coarsened social discourse outside the workplace                | ■ Workplaces where work is monotonous                               |
| ✓ Decentralized workplaces  | ■ Workplaces that rely on customer service or client satisfaction   |
| ✓ Workplaces with significant power disparities                   | ■ Workplace cultures that tolerate or encourage alcohol consumption |
| ✓ Geographically isolated workplaces                              | ■ Cultural and language differences in the workplace                |
| ■ Workplaces where some workers do not conform to workplace norms | ■ Workforces with many young workers                                |

## ✓ Homogenous workforces

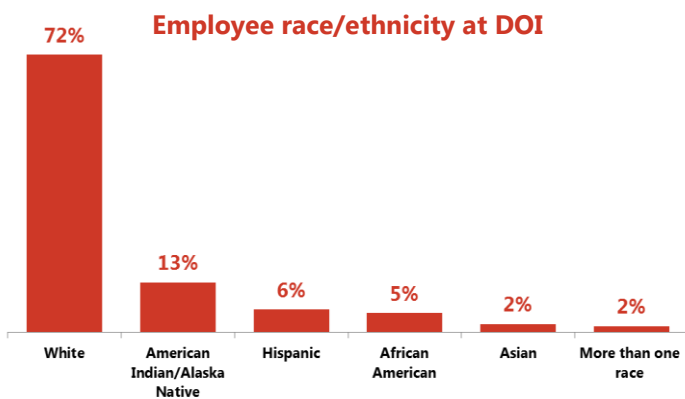
Harassment is more likely to occur in workplaces that lack diversity. Correspondingly, sexual harassment is more likely to occur in workplaces with high percentages of male employees. All nine DOI bureaus are majority male. Five bureaus—NPS, BLM, BOR, FWS, and USGS—are more than 60% male.<sup>20</sup>

Within specialized DOI occupations, the percent of male employees can be even greater, as shown in the figures below.<sup>21</sup>

### % male employees in select occupations



In addition, the vast majority (72%) of the DOI workforce is white, further reducing diversity in the workplace.<sup>22</sup>



## ✓ Coarsened social discourse outside the workplace

National or local events that affect the broader social conversation may make harassment more likely, or perceived as more acceptable. For example, President Trump's disparaging comments about women and dismissal of sexual harassment allegations may prompt others to feel validated in behaving the same way. Simultaneously, the "#metoo" movement may encourage harassment reporting and discourage future incidents.

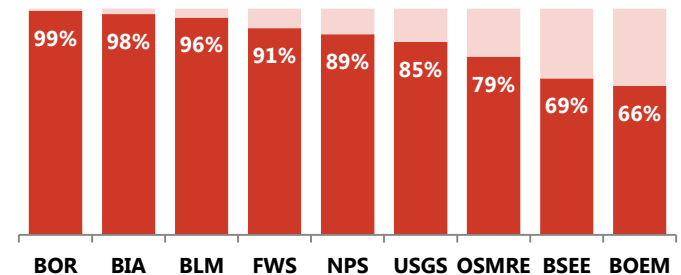
In addition to these national events, DOI has had its own relevant events. At NPS, negative perceptions of women being allowed to become park rangers after passage of the Civil Rights Act in 1964 may have spurred negative comments towards female employees.<sup>23</sup>

DOI leadership should remain aware of current events affecting social discourse on both the national level and within the Department. Preventive strategies suggested by the EEOC may be implemented accordingly.<sup>24</sup>

## ✓ Decentralized workplaces

Harassment is more likely to occur in organizations with headquarters offices that are far away from their front-line employees and supervisors. Approximately 90% of DOI employees are located outside the DC region. The graph below shows the percent of full-time employees outside DC (in red) by agency.<sup>25</sup>

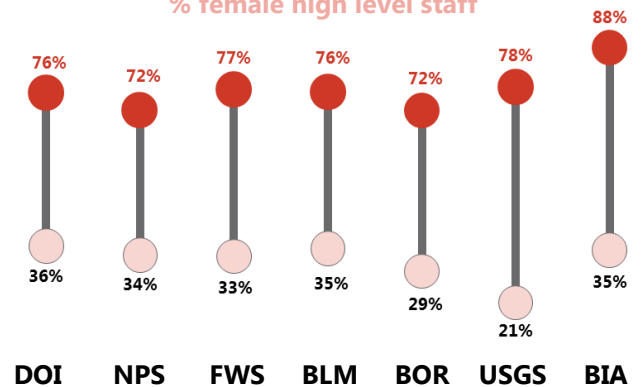
### % DOI employees outside of the DC region



## ✓ Workplaces with significant power disparities

Harassment is more likely to occur in organizations in which there are power disparities by gender (i.e., support staff are mostly women and executive staff are mostly men). In DOI agencies, the percentage of high level staff (i.e., GS-15 and Senior Executive Service) that is female is well below that of administrative staff, as shown below.<sup>26</sup>

### % female administrative staff vs. % female high level staff



## ✓ Geographically isolated workplaces

Harassment is more likely to occur in workplaces where individuals are easily isolated, leaving no one to witness inappropriate conduct. Field work in remote locations is typical for NPS, BLM, BOR, USGS, BIA, and FWS employees. As DOI's Deputy Inspector General recently stated,<sup>27</sup>

"The remote location of many parks...often blurs the boundaries between the work and personal lives of park employees."

### Workplaces where some workers do not conform to workplace norms

Harassment is more likely to occur when some workers do not conform to workplace norms, especially norms based on social stereotypes. One example is a woman who is “tough enough” to work in a traditionally male-dominated field.

Historical data show that the percentage of female employees in DOI has increased from 25.2% in 1973 to 40.1% in 2017.<sup>28</sup> Some women are likely filling DOI positions that have been traditionally held by men (e.g., park rangers, foresters, law enforcement). DOI leadership should assess whether these women are facing a workplace culture that puts them at risk for harassment. Indeed, at NPS specifically, a 2016 investigative report included interviews with dozens of NPS employees, from park rangers to scientists, and found that the agency suffers from “a longstanding culture of machismo that dates to the agency’s foundation.”<sup>29</sup>

### Workplaces with “high value” employees

Harassment is more likely to occur in workplaces with “high value” employees who feel like they do not have to comply with workplace rules. Management may also be reluctant to challenge these employees’ behavior. Data are not currently available to confirm whether this is a systemic issue at DOI, but leadership should be aware of situations in which specialized knowledge and/or technical expertise make certain employees “high value.” For example, in Grand Canyon’s River District, the river boatmen were revered for their unique knowledge of the Colorado River, making management reluctant to lose them despite multiple allegations of sexual harassment. As one victim recounted,<sup>30</sup>

“ On the river, the boatman is god.”

### Workplaces where work is monotonous

Harassment is more likely to occur in workplaces in which workers are not actively engaged or have “time on their hands.” While any workplace may have employees with idle time and monotonous tasks, there is not enough data to suggest either is widespread at DOI. In fact, drastic budget and staffing cuts proposed for DOI<sup>31</sup> will likely increase the responsibilities of many employees.

### Workplaces that rely on client satisfaction

Harassment is more likely to occur when employee compensation is directly tied to customer satisfaction (e.g., tips). This does not apply to DOI employees.

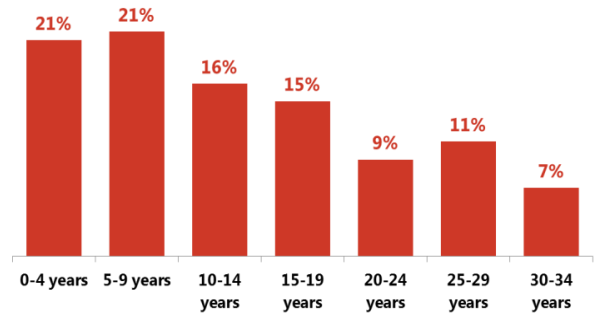
### Workplace cultures that tolerate or encourage alcohol consumption

Harassment is more likely to occur in workplaces that allow employees to regularly drink alcohol. While Inspector General reports on harassment in Yellowstone and Grand Canyon documented alcohol consumption,<sup>32,33</sup> no evidence was found to suggest that alcohol use is widespread across DOI and its bureaus. DOI’s policy on alcohol use in DOI facilities is available on DOI’s website.<sup>34</sup>

### Cultural/language differences in the workplace

Harassment is more likely to occur when there is a recent influx of individuals from different cultures or nationalities. These individuals may not be aware of workplace norms or their rights in the workplace. At DOI, a large percentage of employees have been there for 4 years or less.<sup>35</sup> An examination of whether these employees have language or cultural barriers to understanding workplace norms can make preventive measures, like additional training, more effective. For reference, bureau-specific data are included in the endnotes.<sup>36</sup>

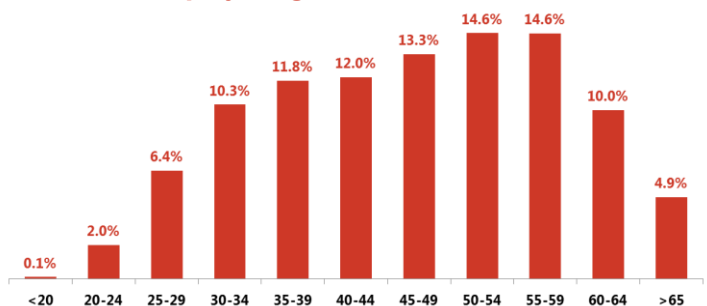
Employees’ length of service at DOI



### Workplaces with many young workers

Harassment is more likely to occur in workplaces with significant percentages of teenagers and young adults. As shown below, this is not the case for DOI as a whole.<sup>36</sup> However, workplace units (e.g., parks, refuges, etc) with high numbers of young seasonal or temporary workers may need to consider additional employee training initiatives. For reference, bureau-specific data are included in the endnotes.<sup>38</sup>

Employee age distribution at DOI





After the Inspector General's report on sexual harassment in Grand Canyon National Park was made public in 2016, leadership at NPS and DOI announced several actions to combat harassment.

**2016****National Park Service:**

At Grand Canyon National Park, NPS took several steps to address the reports of sexual harassment, including replacing the Park's superintendent, closing the Park's River District, and implementing an 18-item action plan that addressed the Inspector General's recommendations.<sup>39</sup>

To address harassment at NPS as a whole, the agency administered mandatory online training to all employees, launched a confidential harassment hotline, established an ombudsperson office, and re-aligned the Equal Employment Office to report directly to the NPS Director, among other actions.<sup>40</sup> The agency also initiated plans to conduct a climate survey of all NPS employees.

**Department of the Interior:**

Obama administration officials initiated plans to conduct a climate survey of all DOI employees.<sup>41</sup> To assist the incoming Trump administration, officials also developed a nearly 800-page transition book.<sup>42</sup> In it, they recommended that the new administration hire six new lawyers to help address the 120 new harassment claims that were submitted following publication of the OIG report on Grand Canyon National Park.

**2017****National Park Service:**

The agency-wide climate survey was conducted from January to March.<sup>43</sup> In October, NPS released the results of the survey and announced a 4-part plan to address harassment:<sup>44</sup>

- 1) Strengthened policies and procedures, including a new Reference Manual
- 2) Increased capacity to investigate harassment claims, including 10 additional Employee and Labor Relations staff and 4 additional Ethics staff
- 3) Expanded training for employees, supervisors, and Employee and Labor Relations staff
- 4) Continued support for Employee Resource Groups

**Department of the Interior:**

The Department-wide climate survey was conducted across all DOI bureaus and DOI headquarters from January to March.<sup>45</sup> The results of the survey were released in December. At the same time, DOI announced plans to address harassment by drafting a new policy and Investigator Guide, training nearly 100 employee relations and employment law practitioners on investigating harassment claims, establishing ombudsperson positions in most bureaus, and updating internal and external websites.<sup>46</sup>

Aside from the anti-harassment policies, an evaluation of the effectiveness of these efforts is beyond the scope of this report

## Putting it all in writing: The Anti-Harassment Policy

As emphasized by the climate survey and the environmental risk factors for harassment, DOI employees are in a vulnerable position. A critical first step in ensuring that an organization is fully prepared to address all forms of harassment is establishment of an anti-harassment program and policy.

The Equal Employment Opportunity Commission requires federal agencies to establish a Model EEO Program, which includes an effective anti-harassment program.<sup>47</sup> The anti-harassment program complements the legally mandated Equal Employment Opportunity (EEO) program, as shown in the table and example below.<sup>48,49</sup> An anti-harassment program and an EEO program are both essential components of an effective strategy to prevent and address harassment in the workplace, but it is important to understand that they do not exist for the same purposes.

EEO Program	Anti-Harassment Program
Designed to make individuals whole for discrimination (e.g., harassment) based on a person's <b>race, color, religion, sex, national origin, age, disability, retaliation, or genetic information.</b>	Addresses harassment based on <b>any of the EEO categories, as well as harassment not based on those categories.</b>
Addresses harassment that is <b>"severe or pervasive."</b>	Prevents harassing conduct before it becomes <b>"severe or pervasive."</b>
Determines whether the organization is liable for unlawful discrimination (e.g., harassment), but <b>cannot require an agency to discipline its employees.</b>	Regardless of whether the conduct violated the law, <b>assures immediate and appropriate corrective action</b> to eliminate harassing conduct, including use of disciplinary action.
Program is managed by the <b>EEO office.</b>	Program may be managed by the <b>EEO office,<sup>50</sup> personnel office, legal counsel, or other.</b>
Investigation must be completed <b>within 180 days.</b>	Investigations should take place immediately and be completed in <b>reasonable time period.</b>

### Real World Example

**EEO vs. Anti-Harassment Program:** A male employee offered to give a female employee a shoulder massage in the workplace. This was the first time any such interaction occurred, but the female employee felt uncomfortable. She reported the interaction to their supervisor. The supervisor immediately spoke to the male employee about his behavior and provided him a copy of the agency's anti-harassment policy. The female employee reported no further incidents. Based on the agency's *anti-harassment program*, the supervisor was able to take immediate and appropriate corrective action to eliminate the conduct and prevent harassment before it becomes severe or pervasive. Under the *EEO program*, however, this one isolated incident may not have constituted a viable claim of harassment.

**A strong anti-harassment policy is necessary for an anti-harassment program to be effective.**

Anti-harassment policies provide employees, supervisors, and leadership with the guidance they need to understand what kinds of behavior constitute harassment and how harassment should be reported, investigated, and addressed. These policies also give organizations the ability to enforce and correct inappropriate conduct, even when it is not yet considered unlawful. As the EEOC warns, **“Employees in workplaces without policies report the highest level of harassment.”**<sup>51</sup>

The EEOC has developed multiple guidance documents that can help employers develop effective anti-harassment policies.<sup>52,53,54</sup> The EEOC is also available upon request to federal agencies for tailored assistance.<sup>55</sup> At a minimum, EEOC recommends that employers include the following six elements in an anti-harassment policy:

**6 Minimum Elements of an Anti-Harassment Policy**

1. A clear explanation of prohibited conduct
2. Assurance that employees who make complaints of harassment or provide information related to such complaints will be protected against retaliation
3. A clearly described complaint process that provides accessible avenues for complainants
4. Assurance that the employer will protect the confidentiality of individuals bringing harassment claims to the extent possible
5. A complaint process that provides a prompt, thorough, and impartial investigation
6. Assurance that the employer will take immediate and appropriate corrective action when it determines that harassment has occurred

In addition, EEOC guidance provides that supervisors and managers receive periodic training so they understand their responsibilities under the agencies’ anti-harassment policy.

**Not all federal agencies have developed adequate anti-harassment policies, despite the availability of guidance and resources from EEOC.**

A 2004 EEOC review of 43 federal agencies’ anti-harassment policies found that 7% of agencies had no anti-harassment policy at all, 51% only addressed sexual harassment, and nearly half (44%) did not clearly describe investigation procedures. Several other policy deficiencies were noted as well.<sup>56</sup>

An inadequate policy, or lack of a policy altogether, does not necessarily mean that the agency has no anti-harassment *program* at all, but it is likely. Even if an anti-harassment program does exist, the absence of a policy may mean that the procedures for making harassment complaints and investigating them are ad hoc, inconsistent, or non-existent. To best protect employees from harassment, sexual or otherwise, an effective anti-harassment policy is essential.

## A closer look at DOI's anti-harassment policies:



The survey results and environmental risk factors demonstrate the urgent need for strong anti-harassment policies in all DOI bureaus. NPS released a new anti-harassment policy in October 2017.<sup>57</sup> DOI has also publicly stated that it will be releasing a new anti-harassment policy in the near future which will be modeled after NPS' new policy.<sup>58</sup>

The purpose of this report is to provide an evaluation of current anti-harassment policies at DOI<sup>59</sup> and its bureaus. Based on a review of selected EEOC documents<sup>60,61,62</sup> and discussions with EEOC officials, committee staff developed a comprehensive checklist to determine how well bureaus' anti-harassment policies follow EEOC guidance. The checklist includes a total of 8 elements—EEOC's six minimum elements for an anti-harassment policy (1-6) plus two additional elements that were emphasized in EEOC documents (7 and 8). Each element consists of a varying number of criteria.<sup>63</sup>

For each anti-harassment policy, the 8 elements were examined for completeness. If all criteria were met for a given element, it was considered Complete. If more than half, but not all of the criteria were met, the element was considered Partially Deficient. If only half or fewer criteria were met, the element was considered Deficient. Of note, three bureaus (BOEM, BSEE, and OSMRE) defer to DOI's anti-harassment policy and therefore do not have a policy of their own.

The table below shows which elements were Complete, Partially Deficient, or Deficient for DOI and each of its six bureaus. The criteria that are met are indicated with checked boxes. The total number of criteria met is indicated by the number above the boxes.

**Table of DOI Anti-Harassment Policy Deficiencies**

 = Complete     = Partially Deficient     = Deficient

	DOI	NPS	FWS	BLM	BOR	USGS	BIA
<b>1 Definition of Harassment:</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>0</b>
Does the policy clearly define harassment and state that such conduct is prohibited?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does it provide specific examples of prohibited conduct?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does it include harassment that has not yet become unlawful (i.e., "severe or pervasive")?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does it specify to whom the policy applies (e.g., employees, contractors, and/or non-employees) and where the harassment can occur (e.g., off-duty, online)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2 Retaliation:</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Does the policy assure that complainants, witnesses, and any others who provide information concerning claims are protected from retaliation?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it state that corrective action may be taken against any employee who retaliates against complainants, witnesses, or any others who provide information concerning claims?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	DOI	NPS	FWS	BLM	BOR	USGS	BIA
<b>3 Confidentiality:</b>	1	3	3	0	2	3	3
Does the policy assure confidentiality, to the extent possible, of individuals who bring harassment claims?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it state that exceptions to confidentiality may be made on a need-to-know basis?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it also assure that information gathered during an investigation will be kept confidential to the extent possible?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4 Complaint Process:</b>	4	4	4	3	4	4	4
Does the policy adequately describe the complaint process?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does the process include multiple avenues for reporting?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does the process include at least one official outside of the employee's chain of command?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Is the process separate from the EEO complaint process?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5 Inquiry/Investigation Process:</b>	1	2	6	1	3	5	6
Does the policy assure a prompt, thorough, and impartial investigation?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it identify who is responsible for conducting investigations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it include reasonable time limits for the managers/supervisors to refer the complaint for investigation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does it include reasonable time limits for conducting investigations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it state that intermediate measures may be necessary before completing the investigation to ensure that further harassment does not occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it state that no intermediate measures may be taken against the alleged victim without his/her consent?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6 Corrective Action:</b>	2	3	3	0	3	3	3
Does the policy assure immediate and appropriate corrective action?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it state the corrective action is proportionate and may include discipline or removal of employees?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it identify who is responsible for administering corrective action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7 Manger/Supervisor Accountability:</b>	0	3	3	1	2	2	2
Does the policy indicate that managers and supervisors will be held accountable for adhering to anti-harassment policies and procedures?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it state that corrective action may include discipline or removal of managers/supervisors who fail to adhere to their responsibilities as outlined in the policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Does it state that managers and supervisors will be evaluated on their adherence to anti-harassment policies and procedures in their performance evaluations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8 Accessibility, Clarity, and Readability:</b>	4	4	4	2	3	4	2
Is the most recently updated policy posted on the bureau's website?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Is it written in plain language?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is it organized into logically ordered sections and subsections?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are acronyms and abbreviations spelled out?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## THE VERDICT: Anti-harassment policies at DOI need improvement.

This review of anti-harassment policies at DOI and its bureaus identified several inadequacies.

	DOI	NPS	FWS	BLM	BOR	USGS	BIA
<b>Total Complete Elements</b>	<b>2</b>	<b>7</b>	<b>6</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>4</b>
<b>Total Partially Deficient Elements</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>2</b>
<b>Total Deficient Elements</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>2</b>

The current DOI policy has major deficiencies; only 2 of the 8 checklist items were considered Complete. This review was based on the current “policy statement” released by Secretary Zinke in April 2017, rather than an actual policy. Policy statements are generally more broad and high-level in nature than policies; they are typically issued to simply affirm commitment to addressing an issue. According to EEOC officials, DOI had anti-harassment procedures in the past, but those procedures were not in compliance with their guidance.<sup>64</sup> In a recent press release, DOI stated that it will be releasing an updated anti-harassment policy.<sup>65</sup>

BLM’s “Policy on Equal Employment Opportunity and the Prevention of Harassment” (released in February 2016) was also highly deficient; not one of the checklist items could be considered Complete. BOR’s draft “Anti-Harassment Policy and Procedures” was only Complete in two of the checklist items.

NPS’s “Anti-Harassment Policy” was released in October 2017 alongside the results of the agency-wide climate survey mentioned above. Among the policies reviewed, NPS’ policy had the highest number of Complete checklist items. The only one that was Deficient was the Inquiry/Investigation Process.

**Among all bureaus, the checklist items with the lowest rate of completion were Retaliation, Inquiry/Investigation Process, and Definition of Harassment.**

Only one bureau (NPS) fully addressed retaliation in its policy. Although all bureaus noted that retaliation against an accuser or witness to harassment is prohibited, a policy should explicitly state that corrective action may be taken against one who retaliates.<sup>66</sup>

In addition, most bureaus could improve the Definition of Harassment by specifying to whom the policy applies. In other words, does the policy apply to permanent employees only or are temporary employees, contractors, visitors, etc. protected too? Does the policy only apply to employees while they are physically in the workplace or do online, off-duty, and after-hours interactions apply?

For several bureaus, the Inquiry/Investigation Process could be improved by outlining time limits for referring a complaint to investigation and for completing the investigation. The EEOC has found that the inquiry/investigation should begin within 10 days of receiving a harassment complaint.<sup>67</sup> FWS,

USGS, and BIA all specify that an inquiry should be completed within 21 business days unless extenuating circumstances exist.

Among all bureaus, the most frequently Complete checklist item was the Complaint Process. It should be noted, however, that the criteria required to meet each checklist item represent only the bare minimum needed for a strong policy. Bureaus should consider adding details as needed or as recommended by EEOC even if the checklist item is considered Complete.

**Three DOI bureaus (BOEM, BSEE, and OSMRE) have no bureau-specific anti-harassment policy available.**

Although the EEOC allows a bureau to defer to its parent Department (e.g., DOI) for its anti-harassment policies and programs, it recommends that each bureau develops its own.<sup>68</sup> It is important that employees have accessible resources in their own bureau. DOI's current anti-harassment policy and procedures are inadequate, as shown by this report, which means that bureaus that defer to DOI are using a flawed model. BOEM has one of the highest rates of reported sexual harassment according to the DOI climate survey (see p. 3). Development of strong bureau-specific anti-harassment policies and procedures is critical.

## **DOI and its bureaus must act NOW to protect employees.**

DOI and its bureaus have a harassment problem. The time for silence is over. The Obama administration began to right the ship. The Trump administration must now finish the job.

DOI and bureau leadership must take immediate action to ensure that employees are as protected as possible from harassment, including sexual harassment. As an immediate first step, DOI and its bureaus must ensure that policies and procedures comply with—and even exceed—EEOC's minimum guidance. Without adequate policies, employees may be left to fend for themselves in navigating the complaint and investigation processes. With the recent surge in sexual harassment cases in the public spotlight, more people may already be coming forward with their own claims. Strong anti-harassment policies that serve as an effective guidance resource and an essential tool for correcting inappropriate conduct are imperative.

**Strong leadership is key to creating an anti-harassment workplace culture.**

Good anti-harassment policies are a first step in demonstrating a serious commitment to addressing harassment in an organization. However, the full complement of actions needed for success is far broader, more resource-intensive, and complex. If anti-harassment policies alone were sufficient to address the problem, the bureaus with the best policies would tend to have the lowest reported rates of harassment in anonymous climate surveys. The data reported here demonstrate that this is not the case.

First and foremost, an agency's leadership must establish a workplace culture in which harassment is not acceptable.<sup>69</sup> As noted in the EEOC Task Force report, "Workplace culture has the greatest impact on allowing harassment to flourish, or conversely, in preventing harassment."

To establish a workplace culture resistant and responsive to harassment, leadership must effectively communicate and establish a sense of urgency about preventing harassment.<sup>70</sup> The Department of

Defense, in its 2014 *Sexual Assault Prevention Strategy*, also says that leaders at all levels are “the center of gravity for the prevention of sexual assault.”<sup>71</sup>

Since his confirmation in March 2017, DOI Secretary Zinke has publicly repeated a commitment to addressing sexual harassment at DOI.<sup>72,73,74</sup> In addition to these statements, Secretary Zinke released the results of the DOI climate survey in December 2017 and announced several actions at the Department-level to improve DOI’s ability to address and respond to future harassment cases.<sup>75</sup> Deputy Secretary David Bernhardt has directed all bureaus to submit formal action plans for addressing harassment, which may include updated policies.<sup>76</sup> All of these actions help to communicate a sense of urgency in addressing harassment. These are steps in the right direction.

However, other actions by Secretary Zinke raise serious concerns about his ability to effectively address harassment at DOI. In particular, he has committed to drastically re-organizing DOI by slashing staff numbers and moving some bureaus’ headquarters outside of Washington, DC.<sup>77</sup> The administration’s FY2018 budget for DOI proposed cutting 4,000 staff,<sup>78</sup> calling into question the ability to fully staff new anti-harassment initiatives. In addition, decentralizing bureaus lowers employee morale and increases the risk of harassment, according to EEOC’s guidance.<sup>79</sup> Indeed, at a June 2017 Senate hearing, DOI’s Deputy Inspector General noted that, “Changing the culture in a historic bureau like NPS would be challenging in the best of times, but that challenge is intensified by contemporaneous discussion of drastic re-organization.”<sup>80</sup>

**“Zero Tolerance” Policies:  
Proceed with Caution**

In public statements, Secretary Zinke has repeatedly emphasized a “zero tolerance” policy for sexual harassment at DOI. The EEOC warns that a zero tolerance policy may actually be counter-productive since it implies that all offenses are met with the same punishment. This perceived “one size fits all” approach may discourage reporting if employees are concerned that seemingly minor offenses could result in termination.<sup>81</sup> DOI leadership should consult with EEOC officials to ensure that statements and other anti-harassment initiatives are reflective of their intent.

In addition, Secretary Zinke has struggled to cultivate an environment of trust within DOI. In his first year in office, Secretary Zinke has shamed employees for not being loyal to “the flag,”<sup>82</sup> has been mired in investigations ranging from inappropriate use of travel funds<sup>83</sup> to arbitrarily reassigning senior staff<sup>84</sup> to threatening senators,<sup>85</sup> and has supported major industry-endorsed actions despite minimal rationale and vehement public opposition.<sup>86,87</sup> Failure to gain the trust and buy-in of a workplace’s employees impedes leadership’s ability to tackle an issue as sensitive and as complex as harassment.



## Recommended Action

**Secretary Zinke and all bureau directors must issue updated anti-harassment policies and procedures that fully comply with or exceed EEOC guidance.**

Policies and procedures give employees guidance and resources for reporting and investigating claims. They also give employers the ability to hold employees accountable by correcting inappropriate behavior immediately and appropriately. Secretary Zinke has stated that DOI will release an updated anti-harassment policy modeled after NPS' policy in the near future. However, all bureaus, especially those with deficient policies or no bureau-specific policy at all, should also release updated policies and procedures. To develop more effective anti-harassment policies, Secretary Zinke and other bureau directors should consult EEOC publications and the checklist in this report as a guide. In addition, the EEOC offers individualized assistance on a regular basis and upon request.

This report also identified several environmental risk factors for harassment that exist within DOI and its bureaus. To further communicate a sense of urgency and seriousness about the need to address harassment, Secretary Zinke and all bureau directors could conduct a more comprehensive assessment of these risk factors using internal employee data, Employee Viewpoint Survey data, or additional surveys. Doing so could determine whether these risk factors apply to either DOI as a whole or bureaus individually. Strategies to address those risk factors can then be targeted based on whether the risk factor can be eliminated or only mitigated. Geographic isolation, for example, is an unchangeable characteristic of many DOI positions.

### Conclusion

Widespread and rampant harassment, including sexual harassment, is not an inevitable reality of any workplace; harassing behaviors can be prevented or promptly addressed through a comprehensive anti-harassment program. To establish an effective program, an agency's leadership must first develop strong anti-harassment policies and procedures. A firm commitment by leadership is also necessary to establish an anti-harassment workplace culture.

Even when these initial measures are successfully implemented, however, there is still major work to be done. DOI must ensure that policies and procedures are being implemented with sufficient resources and staff, employee training is effective and consistently conducted, and regular, repeated data collection efforts, like climate surveys, are in place to track and monitor the anti-harassment program's progress.

Assessing DOI bureaus' effectiveness in meeting these goals is beyond the scope of this report, but future oversight activities should include bipartisan efforts to do so. Democrats on the Committee on Natural Resources have requested an oversight hearing for this purpose.<sup>88</sup> That request has yet to be honored.

## Endnotes

---

- <sup>1</sup> Zacharek, Stephanie, Eliana Dockterman, and Haley Sweetland Edwards. "Person of the Year 2017: The Silence Breakers." *TIME Magazine*, 12 Dec 2017. <http://time.com/time-person-of-the-year-2017-silence-breakers/>
- <sup>2</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Misconduct at the Grand Canyon River District*, 12 Jan 2016. [https://www.doioig.gov/sites/doioig.gov/files/Misconduct\\_GrandCanyonRiverDistrict\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/Misconduct_GrandCanyonRiverDistrict_Public.pdf)
- <sup>3</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Sexual Misconduct by Law Enforcement Supervisor, Canaveral National Seashore*, 13 June 2016. [https://www.doioig.gov/sites/doioig.gov/files/SexualMisconduct\\_ChiefRanger\\_CanaveralNationalSeashore\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/SexualMisconduct_ChiefRanger_CanaveralNationalSeashore_Public.pdf)
- <sup>4</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Allegation of Sexual Harassment by NPS Law Enforcement Supervisor*, 14 Oct 2016. [https://www.doioig.gov/sites/doioig.gov/files/AllegationOfSexualHarassmentByNPSLawEnforcementSupervisor\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/AllegationOfSexualHarassmentByNPSLawEnforcementSupervisor_Public.pdf)
- <sup>5</sup> Office of the Inspector General, Department of the Interior. *Investigation of De Soto National Memorial Sexual Harassment Complaint*, 6 Feb 2017. [https://www.doioig.gov/sites/doioig.gov/files/NPSDeSoto\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/NPSDeSoto_Public.pdf)
- <sup>6</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Alleged Sexual Misconduct and Reprisal at Yellowstone National Park*, 12 Apr 2017. [https://www.doioig.gov/sites/doioig.gov/files/AllegationsofSexualMisconductandReprisalYellowstone\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/AllegationsofSexualMisconductandReprisalYellowstone_Public.pdf)
- <sup>7</sup> Office of the Inspector General, Department of the Interior. *Summary: Manager at Grand Canyon National Park Sexually Harassed Intern*, 20 Dec 2017. [https://www.doioig.gov/sites/doioig.gov/files/InvestigativeSummary\\_AllegedSexualHarrassment.pdf](https://www.doioig.gov/sites/doioig.gov/files/InvestigativeSummary_AllegedSexualHarrassment.pdf)
- <sup>8</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Misconduct at the Grand Canyon River District*, 12 Jan 2016. [https://www.doioig.gov/sites/doioig.gov/files/Misconduct\\_GrandCanyonRiverDistrict\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/Misconduct_GrandCanyonRiverDistrict_Public.pdf)
- <sup>9</sup> Joyce, Kathryn. "Out here, no one can hear you scream." *Huffington Post with Highline*, Mar 2016. <http://highline.huffingtonpost.com/articles/en/park-rangers/>
- <sup>10</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Sexual Misconduct by Law Enforcement Supervisor, Canaveral National Seashore*, 13 June 2016. [https://www.doioig.gov/sites/doioig.gov/files/SexualMisconduct\\_ChiefRanger\\_CanaveralNationalSeashore\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/SexualMisconduct_ChiefRanger_CanaveralNationalSeashore_Public.pdf)
- <sup>11</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Alleged Sexual Misconduct and Reprisal at Yellowstone National Park*, 12 Apr 2017. [https://www.doioig.gov/sites/doioig.gov/files/AllegationsofSexualMisconductandReprisalYellowstone\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/AllegationsofSexualMisconductandReprisalYellowstone_Public.pdf)
- <sup>12</sup> Letter from Rep. Niki Tsongas, Rep. Ruben Gallego, and Rep. Paul Gosar to Jonathan Jarvis, Director, National Park Service, 31 Mar 2016. Available at <https://tsongas.house.gov/press-releases/bipartisan-group-of-representatives-urge-national-park-service-to-conduct-agencywide-sexual-harassment-survey/>
- <sup>13</sup> Department of the Interior. "Secretary Zinke outlines action plan to combat harassment and discrimination." Press Release, 13 Oct 2017. <https://www.doi.gov/pressreleases/secretary-zinke-outlines-action-plan-combat-harassment-and-discrimination>
- <sup>14</sup> National Park Service. *Technical Report: National Park Service Work Environment Survey, January-March 2017*, 29 Sep 2017. <https://www.nps.gov/aboutus/upload/NPS-WES-Technical-Report-20170929-Accessible.pdf>
- <sup>15</sup> Department of the Interior. "Interior continues steps toward Department-wide culture change with release of work environment survey results." Press Release, 14 Dec 2017. <https://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work>
- <sup>16</sup> Department of the Interior. *Technical Report: Department of the Interior Work Environment Survey, January-March 2017*, 29 Sep 2017. [https://www.doi.gov/sites/doi.gov/files/uploads/doi\\_wes\\_technical\\_report.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/doi_wes_technical_report.pdf)

- 
- <sup>17</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016. [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)
- <sup>18</sup> Ibid.
- <sup>19</sup> U.S. Equal Employment Opportunity Commission. "About EEOC: Overview, Authority & Role." Available at <https://www.eeoc.gov/eeoc/>. Accessed 22 Jan 2018.
- <sup>20</sup> U.S. Office of Personnel Management. Number of Federal civilian employees, Department of Interior, by Gender, as of September 2017. FedScope database. <https://www.fedscope.opm.gov/> Accessed 17 Jan 2017.
- <sup>21</sup> Data were obtained from Department of the Interior MD-715s provided by the EEOC to committee staff. Data represent FY2015.
- <sup>22</sup> U.S. Office of Personnel Management. Number of Federal civilian employees, Department of Interior, by Race/Ethnicity, as of March 2017. FedScope database. <https://www.fedscope.opm.gov/> Accessed 11 Jan 2017.
- <sup>23</sup> Gilpin, Lyndsey. "How the National Park Service is failing women." *High Country News*, 12 Dec 2016. <http://www.hcn.org/issues/48.21/how-the-park-service-is-failing-women>
- <sup>24</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016. [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)
- <sup>25</sup> U.S. Office of Personnel Management. Number of Federal civilian employees, Department of Interior, by Location, as of September 2017. FedScope database. <https://www.fedscope.opm.gov/> Accessed 29 Nov 2017.
- <sup>26</sup> Data were obtained from Department of the Interior MD-715s provided by the EEOC to committee staff. Data for each bureau differ by year. FY2016: DOI and FWS; FY2015: NPS, BLM, BOR, USGS, BIA.
- <sup>27</sup> Statement of Mary L. Kendall, Deputy Inspector General, Department of the Interior before the Senate Subcommittee on National Parks, Committee on Energy and Natural Resources. Hearing on Moving into a Second Century of Service: Working to Improve the National Park Service Workplace Environment, 7 June 2017. [https://www.energy.senate.gov/public/index.cfm/files/serve?File\\_id=F17A797E-8F56-4C5B-A89F-B8AA96DA9E79](https://www.energy.senate.gov/public/index.cfm/files/serve?File_id=F17A797E-8F56-4C5B-A89F-B8AA96DA9E79)
- <sup>28</sup> Data were obtained from the U.S. Office of Personnel Management. Data represent non-seasonal full-time permanent employees at DOI from 1973-2017.
- <sup>29</sup> Gilpin, Lyndsey. "How the National Park Service is failing women." *High Country News*, 12 Dec 2016. <http://www.hcn.org/issues/48.21/how-the-park-service-is-failing-women>
- <sup>30</sup> Joyce, Kathryn. "Out here, no one can hear you scream." *Huffington Post with Highline*, Mar 2016. <http://highline.huffingtonpost.com/articles/en/park-rangers/>
- <sup>31</sup> Statement of Ryan Zinke, Secretary of the Interior before the House Committee on Natural Resources. Hearing on the 2018 President's Budget Request, 20 June 2017. [https://naturalresources.house.gov/uploadedfiles/testimony\\_zinke.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_zinke.pdf)
- <sup>32</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Misconduct at the Grand Canyon River District*, 12 Jan 2016. [https://www.doioig.gov/sites/doioig.gov/files/Misconduct\\_GrandCanyonRiverDistrict\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/Misconduct_GrandCanyonRiverDistrict_Public.pdf)
- <sup>33</sup> Office of the Inspector General, Department of the Interior. *Investigative Report of Alleged Sexual Misconduct and Reprisal at Yellowstone National Park*, 12 Apr 2017. [https://www.doioig.gov/sites/doioig.gov/files/AllegationsofSexualMisconductandReprisalYellowstone\\_Public.pdf](https://www.doioig.gov/sites/doioig.gov/files/AllegationsofSexualMisconductandReprisalYellowstone_Public.pdf)
- <sup>34</sup> Department of the Interior. "Drug free and alcohol free workplace and drug testing procedures." *Personnel Bulletin No: 12-10*, 10 Sep 2012. [https://www.doi.gov/sites/doi.gov/files/migrated/ibc/services/hr/upload/Personnel\\_Bulletin\\_12\\_10.pdf](https://www.doi.gov/sites/doi.gov/files/migrated/ibc/services/hr/upload/Personnel_Bulletin_12_10.pdf)
- <sup>35</sup> U.S. Office of Personnel Management. Number of Federal civilian employees, Department of Interior, by Length of Service, as of March 2017. FedScope database. <https://www.fedscope.opm.gov/> Accessed 11 Jan 2017.
- <sup>36</sup> Ibid. The percentage of employees that has four years or less of federal service varies by bureau. The bureau-specific data are as follows, in order from highest percentage to lowest percentage: USGS – 24.6%; BSEE – 23.4%; BIA – 20.5%; NPS – 20.5%; BOEM – 19.1%; FWS – 18.9%; BOR – 18.4%; OSMRE – 18.1%; BLM – 15.3%.
- <sup>37</sup> U.S. Office of Personnel Management. Number of Federal civilian employees, Department of Interior, by Age, as of March 2017. FedScope database. <https://www.fedscope.opm.gov/> Accessed 11 Jan 2017.

---

<sup>38</sup> Ibid. The percentage of employees that is 24 years-old or younger varies by bureau. The bureau-specific data are as follows, in order from highest percentage to lowest percentage: USGS – 3.6%; NPS – 2.8%; FWS – 2.0%; BSEE – 1.9%; BOR – 1.5%; BLM – 1.3%; BIA – 1.2%; BOEM – 0.0%; OSMRE – 0.0%.

<sup>39</sup> Statement of Michael Reynolds, Deputy Director, National Park Service before the House Committee on Oversight and Government Reform, Hearing on the National Park Service Response to Incidents of Employee Misconduct, 22 Sep 2016. <https://oversight.house.gov/wp-content/uploads/2016/09/Reynolds-Statement-NPS-9-22.pdf>

<sup>40</sup> Ibid.

<sup>41</sup> Letter from Jonathan Jarvis, Director, National Park Service to Rep. Niki Tsongas, Rep. Ruben Gallego, and Rep. Paul Gosar, 9 Dec 2016.

<sup>42</sup> Department of the Interior. *Transition Budget Briefing Book*, Nov 2016. [https://www.doi.gov/sites/doi.gov/files/uploads/doi\\_transition\\_briefing\\_book.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/doi_transition_briefing_book.pdf)

<sup>43</sup> Department of the Interior. "Secretary Zinke outlines action plan to combat harassment and discrimination." Press Release, 13 Oct 2017. <https://www.doi.gov/pressreleases/secretary-zinke-outlines-action-plan-combat-harassment-and-discrimination>

<sup>44</sup> Ibid.

<sup>45</sup> Department of the Interior. "Interior continues steps toward Department-wide culture change with release of work environment survey results." Press Release, 14 Dec 2017. <https://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work>

<sup>46</sup> Ibid.

<sup>47</sup> See *Faragher v. City of Boca Raton*, 524 U.S. 775, 26 June 1998; and *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742, 26 June 1998.

<sup>48</sup> U.S. Equal Employment Opportunity Commission. *Model EEO Programs Must Have an Effective Anti-Harassment Program*, Accessed 22 Jan 2017. [https://www.eeoc.gov/federal/model\\_eeo\\_programs.cfm](https://www.eeoc.gov/federal/model_eeo_programs.cfm)

<sup>49</sup> Communication with U.S. Equal Employment Opportunity Commission officials, 27 Oct 2017 and 19 Jan 2018.

<sup>50</sup> If agencies want the EEO office to oversee the anti-harassment program, they must establish a firewall between the anti-harassment coordinator and the EEO director.

<sup>51</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016. [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>52</sup> Ibid

<sup>53</sup> U.S. Equal Employment Opportunity Commission. *Model EEO Programs Must Have an Effective Anti-Harassment Program*, Accessed 22 Jan 2017. [https://www.eeoc.gov/federal/model\\_eeo\\_programs.cfm](https://www.eeoc.gov/federal/model_eeo_programs.cfm)

<sup>54</sup> U.S. Equal Employment Opportunity Commission. *Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors*, 18 June 1999. <https://www.eeoc.gov/policy/docs/harassment.html>

<sup>55</sup> Communication with U.S. Equal Employment Opportunity Commission officials, 27 Oct 2017.

<sup>56</sup> U.S. Equal Employment Opportunity Commission. *Model EEO Programs Must Have an Effective Anti-Harassment Program*, Accessed 22 Jan 2017. [https://www.eeoc.gov/federal/model\\_eeo\\_programs.cfm](https://www.eeoc.gov/federal/model_eeo_programs.cfm)

<sup>57</sup> Department of the Interior. "Secretary Zinke outlines action plan to combat harassment and discrimination." Press Release, 13 Oct 2017. <https://www.doi.gov/pressreleases/secretary-zinke-outlines-action-plan-combat-harassment-and-discrimination>

<sup>58</sup> Department of the Interior. "Interior continues steps toward Department-wide culture change with release of work environment survey results." Press Release, 14 Dec 2017. <https://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work>

<sup>59</sup> All DOI and bureau policies reviewed in this report were obtained from the U.S. Equal Employment Opportunity Commission via email 27 Oct 2017 or 29 Nov 2017. The document titles and dates for each bureau's policy are as follows:

---

DOI – “Harassment Policy Statement,” dated 12 Apr 2017  
NPS – “Director’s Order 16E: National Park Service Anti-Harassment Policy,” dated 12 Oct 2017  
FWS – “Equal Opportunity, Anti-Harassment Policy and Procedures,” dated 15 Dec 2015  
BLM – “Policy on Equal Employment Opportunity (EEO) and the Prevention of Harassment (Sexual and Non-Sexual),” dated 4 Feb 2016  
BOR – “Reclamation Manual, Policy, Anti-Harassment [draft],” Feb 2017  
USGS – “U.S. Geological Survey Anti-Harassment Policy,” no date  
BIA – “Indian Affairs Manual, Equal Employment Opportunity Programs, Procedures for Processing Harassment Claims [draft],” no date

<sup>60</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016. [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>61</sup> U.S. Equal Employment Opportunity Commission. *Model EEO Programs Must Have an Effective Anti-Harassment Program*, Accessed 22 Jan 2017. [https://www.eeoc.gov/federal/model\\_eeo\\_programs.cfm](https://www.eeoc.gov/federal/model_eeo_programs.cfm)

<sup>62</sup> U.S. Equal Employment Opportunity Commission. *Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors*, 18 June 1999. <https://www.eeoc.gov/policy/docs/harassment.html>

<sup>63</sup> To develop the anti-harassment policy checklist, committee staff reviewed the documents referenced in endnotes 58-60. The purpose of the review was to identify elements and criteria recommended for an effective anti-harassment policy. Staff used EEOC’s six minimum elements of an anti-harassment policy as a framework. Staff considered all recommendations listed or discussed in these three documents for inclusion in the checklist. Based on the review, staff identified two additional elements (Manager/Supervisor Accountability and Accessibility, Clarity, and Readability) that were emphasized on multiple occasions, but did not fit into one of the existing six minimum elements. All criteria were based on recommendations included in the referenced documents.

<sup>64</sup> Communication with U.S. Equal Employment Opportunity Commission officials, 6 Dec 2017.

<sup>65</sup> Department of the Interior. “Interior continues steps toward Department-wide culture change with release of work environment survey results.” Press Release, 14 Dec 2017. <https://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work>

<sup>66</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016. [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>67</sup> See *Complainant v. Department of Veterans Affairs*, U.S. Equal Employment Opportunity Commission Appeal No. 0120133123, 21 May 2015.

<sup>68</sup> Communication with U.S. Equal Employment Opportunity Commission officials, 6 Dec 2017.

<sup>69</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016. [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>70</sup> Ibid.

<sup>71</sup> U.S. Department of Defense. *2014-2016 Sexual Assault Prevention Strategy*, 30 Apr 2014. [http://www.sapr.mil/public/docs/prevention/DoD\\_SAPR\\_Prevention\\_Strategy\\_2014-2016.pdf](http://www.sapr.mil/public/docs/prevention/DoD_SAPR_Prevention_Strategy_2014-2016.pdf)

<sup>72</sup> Lunney, Kellie. “Sexual harassment may plague entire department—Zinke.” *E&E News*, 22 June 2017. <https://www.eenews.net/greenwire/2017/06/22/stories/1060056453>

<sup>73</sup> Department of the Interior. “Secretary Zinke outlines action plan to combat harassment and discrimination.” Press Release, 13 Oct 2017. <https://www.doi.gov/pressreleases/secretary-zinke-outlines-action-plan-combat-harassment-and-discrimination>

<sup>74</sup> Department of the Interior. “Interior continues steps toward Department-wide culture change with release of work environment survey results.” Press Release, 14 Dec 2017. <https://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work>

<sup>75</sup> Ibid.

---

<sup>76</sup> Ibid.

<sup>77</sup> Lunney, Kellie. "Zinke looks to move 3 agencies' headquarters to Denver." *E&E News*, 15 Aug 2017.

<sup>78</sup> Statement of Ryan Zinke, Secretary of the Interior before the House Committee on Natural Resources. Hearing on the 2018 President's Budget Request, 20 June 2017.

[https://naturalresources.house.gov/uploadedfiles/testimony\\_zinke.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_zinke.pdf)

<sup>79</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016.

[https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>80</sup> Statement of Mary L. Kendall, Deputy Inspector General, Department of the Interior before the Senate Subcommittee on National Parks, Committee on Energy and Natural Resources. Hearing on Moving into a Second Century of Service: Working to Improve the National Park Service Workplace Environment, 7 June 2017.

[https://www.energy.senate.gov/public/index.cfm/files/serve?File\\_id=F17A797E-8F56-4C5B-A89F-B8AA96DA9E79](https://www.energy.senate.gov/public/index.cfm/files/serve?File_id=F17A797E-8F56-4C5B-A89F-B8AA96DA9E79)

<sup>81</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016.

[https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf)

<sup>82</sup> Daly, Matthew. "Zinke: One-third of Interior employees not loyal to Trump." *The Associated Press*, 26 Sept 2017.

<https://apnews.com/570c910d21be41869f76d45a2c55c359>

<sup>83</sup> Office of the Inspector General, Department of the Interior. *Incomplete Documentation Identified During Investigation*, 15 Nov 2017. [https://www.doioig.gov/sites/doioig.gov/files/MA\\_ZinkeTravel\\_111517.pdf](https://www.doioig.gov/sites/doioig.gov/files/MA_ZinkeTravel_111517.pdf)

<sup>84</sup> Davidson, Joe. "Interior's 'unusual' transfer of senior executives spurs official probe." *The Washington Post*, 12 Sept 2017. [https://www.washingtonpost.com/news/powerpost/wp/2017/09/12/interiors-unusual-transfer-of-senior-executives-spurs-official-probe/?utm\\_term=.ee0d10b18946](https://www.washingtonpost.com/news/powerpost/wp/2017/09/12/interiors-unusual-transfer-of-senior-executives-spurs-official-probe/?utm_term=.ee0d10b18946)

<sup>85</sup> Natural Resources Committee Democrats. "GAO acceptance letter on legal opinion for threatening Zinke calls to Sens. Murkowski and Sullivan." Press Release, 8 Sept 2017. <https://democrats-naturalresources.house.gov/gao-acceptance-letter-on-legal-opinion->

<sup>86</sup> Weiss, Aaron. "America to Trump and Zinke: Don't touch national monuments." *Medium*, 10 Jul 2017.

<https://medium.com/westwise/america-to-trump-and-zinke-dont-touch-national-monuments-8f4b40c43599>

<sup>87</sup> Merica, Dan. "Nearly every governor with ocean coastline opposes Trump's drilling proposal." *CNN*, 12 Jan 2018.

<http://www.cnn.com/2018/01/11/politics/governors-ocean-coastline-offshore-drilling-trump/index.html>

<sup>88</sup> Letter from Ranking Member. Donald McEachin, Subcommittee on Oversight and Investigations, House Committee on Natural Resources to Committee Chairman Rob Bishop and Subcommittee Chairman Raul Labrador, 22 June 2017. Available at <https://mceachin.house.gov/media/press-releases/ranking-member-mceachin-calls-hearing-investigate-sexual-harassment>