

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

June 11, 2018

The Honorable Rob Bishop  
Chairman  
House Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Bishop:

This is a second request for an oversight hearing on the Department of the Interior's (DOI) progress in addressing sexual harassment and other forms of harassment within its bureaus. Oversight & Investigations Subcommittee Ranking Member McEachin made the first request nearly a year ago. Although DOI has made initial progress over the past year, proper oversight is needed to ensure a continued commitment to sufficiently address an ongoing and complex problem.

***Harassment at DOI***

Following highly publicized accounts of sexual harassment at the National Park Service, DOI administered a department-wide climate survey from January to March 2017 to assess all DOI employees' experiences with harassment, including sexual harassment. The results of the survey showed that 8% of DOI employees reported being sexually harassed over the past year and over one-third reported any form of harassment.<sup>1</sup> Rates of harassment varied by bureau.

In January 2018, shortly after the survey results were released, committee minority staff released a report<sup>2</sup> outlining several reasons that DOI as an organization is particularly susceptible to higher levels of harassment. Reasons include a homogenous workforce and decentralized, geographically isolated workplaces. According to the Equal Employment Opportunity Commission (EEOC), the presence of these risk factors in an organization heightens the need for strong, effective leadership to create a workplace culture in which harassment is not acceptable.

The report evaluated anti-harassment policies at DOI and its nine bureaus using criteria compiled from EEOC documents and recommendations. It found that DOI and all individual bureaus

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<sup>1</sup> U.S. Department of the Interior. *Technical Report: Department of the Interior Work Environment Survey, January-March 2017*, 29 Sept. 2017, [www.doi.gov/sites/doi.gov/files/uploads/doi\\_wes\\_technical\\_report.pdf](http://www.doi.gov/sites/doi.gov/files/uploads/doi_wes_technical_report.pdf).

<sup>2</sup> Democratic Staff of the U.S. House Committee on Natural Resources. *#InteriorToo: Addressing Sexual Harassment Across the Department of the Interior Starts with Strong Anti-Harassment Policies*, 25 Jan. 2018, [democrats-naturalresources.house.gov/interiortoo-addressing-sexual-harassment-across-the-department-of-the-interior-starts-with-strong-anti-harassment-policies](https://democrats-naturalresources.house.gov/interiortoo-addressing-sexual-harassment-across-the-department-of-the-interior-starts-with-strong-anti-harassment-policies).

needed to improve their policies. DOI's department-wide policy only met two of the eight criteria for an effective policy. Three bureaus had no anti-harassment policy at all.

### ***DOI's Recent Efforts to Address Harassment***

In December 2017, DOI leadership announced several actions to increase their capacity to appropriately respond to claims of harassment. These actions included developing a new investigator guide for harassment allegations, training 100 employee relations and employment law practitioners, updating internal and external websites, and establishing ombudsperson positions in most bureaus.<sup>3</sup>

DOI released an updated anti-harassment policy in April.<sup>4</sup> Committee staff used the evaluation criteria set forth in the report referenced above to assess the strength of this new policy. The new anti-harassment policy met all criteria except one (i.e., reasonable time limits for investigations). A copy of the committee staff's assessment is provided at the end of this letter. In addition to meeting the report criteria, the new anti-harassment policy provides a sample intake form for harassment claims which will help standardize and systematize the intake process.

DOI leadership also sent a memo to all bureaus in December 2017 directing them to develop and submit formal action plans to address harassment at their respective bureaus.<sup>5</sup> The action plans were due to DOI by the end of January, but at a Committee on Natural Resources full committee hearing in March, DOI Secretary Ryan Zinke said those plans were still in draft form.<sup>6</sup>

### ***Recent Incidents of Harassment at DOI Bureaus***

Recent events make it clear that there is still a lot of work to do to address sexual harassment and other forms of harassment, especially at the bureau level. The Bureau of Indian Affairs (BIA) in particular has been plagued by incidents of harassment over the past year. In late April, BIA Director Bryan Rice abruptly resigned after only six months in that position. Recent reports indicate his resignation is related to claims that he used aggressive, intimidating, and harassing behavior with a female colleague.<sup>7</sup>

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<sup>3</sup> U.S. Department of the Interior. "Interior Continues Steps Toward Department-Wide Culture Change with Release of Work Environment Survey Results." Press Release, 14 Dec. 2017, [www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work](http://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work).

<sup>4</sup> U.S. Department of the Interior. "Prevention and Elimination of Harassing Conduct." *Personnel Bulletin 18-01*, 23 Apr. 2018, [www.doi.gov/employees/anti-harassment/personnel-bulletin-18-01](http://www.doi.gov/employees/anti-harassment/personnel-bulletin-18-01).

<sup>5</sup> U.S. Department of the Interior. "Interior Continues Steps Toward Department-Wide Culture Change with Release of Work Environment Survey Results." Press Release, 14 Dec. 2017, [www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work](http://www.doi.gov/pressreleases/interior-continues-steps-toward-department-wide-culture-change-release-work).

<sup>6</sup> U.S. House Committee on Natural Resources. "Policy Priorities at the Department of the Interior and the Administration's Fiscal Year 2019 Budget Proposal." Oversight hearing, 15 Mar. 2018, [democrats-naturalresources.house.gov/hearings/policy-priorities-at-the-department-of-the-interior-and-the-administrations-fiscal-year-2019-budget-proposal](https://democrats-naturalresources.house.gov/hearings/policy-priorities-at-the-department-of-the-interior-and-the-administrations-fiscal-year-2019-budget-proposal).

<sup>7</sup> Ollstein, Alice. "Exclusive: Top Interior Official Resigned Amid Claims of Intimidating Behavior." *Talking Points Memo*, Talking Points Memo, 2 May 2018, [talkingpointsmemo.com/dc/exclusive-top-interior-official-resigned-amid-claims-of-intimidating-behavior](http://talkingpointsmemo.com/dc/exclusive-top-interior-official-resigned-amid-claims-of-intimidating-behavior).

Director Rice's resignation comes on the heels of a DOI Office of the Inspector General (OIG) report released last fall which showed that BIA management and human resources staff had not responded appropriately to reports of a BIA employee harassing multiple women.<sup>8</sup> The OIG also issued a separate management advisory recommending that BIA implement a sexual harassment training requirement for its human resources staff.<sup>9</sup> Over 40% of employees at BIA reported some form of harassment in the aforementioned survey, more than any other DOI bureau.<sup>10</sup>

At the National Park Service, DOI's OIG recently investigated whether Deputy Director Dan Smith made lewd gestures involving his genitalia while in DOI headquarters.<sup>11</sup> In April, the OIG found that an NPS regional office official retired after a female employee reported him making unwelcome advances towards her.<sup>12</sup>

### ***Need for Oversight***

Earlier this year, Secretary Zinke said in an interview, "We've had a culture of sexual harassment. That era has come rapidly to a close."<sup>13</sup> Although we commend DOI for taking positive steps in addressing harassment, the recent incidents are evidence that Secretary Zinke's declaration of victory is premature. There is still much work to be done.

Good policy is a necessary first step. As the committee staff report recommends, all bureau directors must issue updated anti-harassment policies that fully comply with or exceed EEOC guidance. Strong anti-harassment policies provide employees with guidance and resources for effectively reporting and investigating harassment claims. Bureaus must also work with DOI to finalize the formal action plans that were due in late January of this year. Oversight of the new bureau-level policies and action plans is necessary to ensure they are appropriate and effective.

Of course, policies alone are not enough to address sexual harassment. DOI leadership must work to foster a culture in which harassment is not acceptable. The EEOC recommends several strategies for doing so, including allocating sufficient resources and staff, training employees effectively and consistently, and tracking and monitoring DOI's progress through regular data collection, like employee surveys. These indicators can help guide the committee's inquiry.

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<sup>8</sup> Office of the Inspector General, U.S. Department of the Interior. *Insufficient Actions by BIA Management and Human Resource Officials in Response to Sexual Harassment Reports*, 18 Oct. 2017, <https://www.doioig.gov/reports/insufficient-actions-bia-management-and-human-resource-officials-response-sexual-harassment>.

<sup>9</sup> Office of the Inspector General, U.S. Department of the Interior. *Training Gap Revealed During Investigation*, 21 Sept. 2017, <https://www.doioig.gov/reports/training-gap-revealed-during-investigation>.

<sup>10</sup> U.S. Department of the Interior. *Technical Report: Department of the Interior Work Environment Survey, January-March 2017*, 29 Sept. 2017, [www.doi.gov/sites/doi.gov/files/uploads/doi\\_wes\\_technical\\_report.pdf](http://www.doi.gov/sites/doi.gov/files/uploads/doi_wes_technical_report.pdf).

<sup>11</sup> Grandoni, Dino. "Investigation Launched after Head of US National Park Service 'Grabbed his Genitalia and Pretended to Urinate on Wall.'" *Independent*, Independent, 24 Mar. 2018, [www.independent.co.uk/news/world/americas/national-park-service-investigation-grabbed-crotch-penis-urinate-p-daniel-smith-a8272256.html](http://www.independent.co.uk/news/world/americas/national-park-service-investigation-grabbed-crotch-penis-urinate-p-daniel-smith-a8272256.html).


<sup>12</sup> Office of the Inspector General, U.S. Department of the Interior. *NPS Regional Official Allegedly Made Unwanted Advances Toward Employee*, 3 Apr. 2018, [www.doioig.gov/reports/nps-regional-official-allegedly-made-unwanted-advances-toward-employee](http://www.doioig.gov/reports/nps-regional-official-allegedly-made-unwanted-advances-toward-employee).

<sup>13</sup> Pickett, Kerry. "Zinke Promises to Fire as Many People as he Needs to at the Park Service." *Daily Caller*, Daily Caller, 29 Jan. 2018, [dailycaller.com/2018/01/29/ryan-zinke-national-park-service-sexual-harassment/](http://dailycaller.com/2018/01/29/ryan-zinke-national-park-service-sexual-harassment/).

Finally, the EEOC's task force report on workplace harassment affirmed that, "To achieve a workplace without harassment, the values of the organization must put a premium on diversity and inclusion."<sup>14</sup> Recent reports that Secretary Zinke has said "diversity isn't important" are concerning.<sup>15</sup> The reassignments of senior executive staff, a disproportionate number of which were minorities, are concerning.<sup>16</sup> The hate speech and incendiary comments found on the public social media pages of DOI officials in high-ranking politically appointed positions are concerning.<sup>17,18</sup> Oversight can help ensure that Secretary Zinke and his leadership team recognize and promote the importance of a diverse, inclusive workforce so that anti-harassment efforts are fully supported.

We urge you to consider this request for an oversight hearing as soon as possible.

Sincerely,



Raúl M. Grijalva  
Ranking Member  
House Committee on Natural Resources



A. Donald McEachin  
Ranking Member  
Subcommittee on Oversight and Investigations



Madeleine Z. Bordallo  
Member of Congress

Jim Costa  
Member of Congress



Gregorio Kilili Camacho Sablan  
Member of Congress



Niki Tsongas  
Member of Congress

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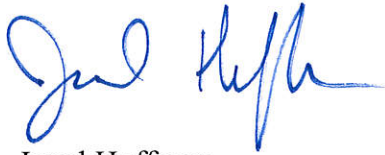
<sup>14</sup> U.S. Equal Employment Opportunity Commission. *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, June 2016, [www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](http://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf).

<sup>15</sup> Ganim, Sara. "Sources: Zinke Tells Employees Diversity Isn't Important." *CNN Politics*, CNN, 27 Mar. 2018, [www.cnn.com/2018/03/26/politics/ryan-zinke-diversity/index.html](http://www.cnn.com/2018/03/26/politics/ryan-zinke-diversity/index.html).

<sup>16</sup> Ollstein, Alice. "Zinke's Interior Dept Disproportionately Reassigned Native American Workers." *Talking Points Memo*, Talking Points Memo, 2 Apr. 2018, [talkingpointsmemo.com/dc/zinkes-interior-dept-disproportionately-purged-native-american-workers](http://talkingpointsmemo.com/dc/zinkes-interior-dept-disproportionately-purged-native-american-workers).

<sup>17</sup> Ollstein, Alice. "Interior Official Compared Parkland Students to Nazis, Promoted Conspiracies." *Talking Points Memo*, Talking Points Memo, 9 Apr. 2018, [talkingpointsmemo.com/dc/interior-official-compared-parkland-students-to-nazis-promoted-conspiracies](http://talkingpointsmemo.com/dc/interior-official-compared-parkland-students-to-nazis-promoted-conspiracies).

<sup>18</sup> Kaczynski, Andrew and Chris Massie. "Political Appointee at Interior Resigns After KFile Inquiry into Birther, Anti-Muslim Comments." *CNN Politics*, CNN, 28 Feb. 2018, [www.cnn.com/2018/02/28/politics/kfile-top-aide-to-ryan-zinke/index.html](http://www.cnn.com/2018/02/28/politics/kfile-top-aide-to-ryan-zinke/index.html).



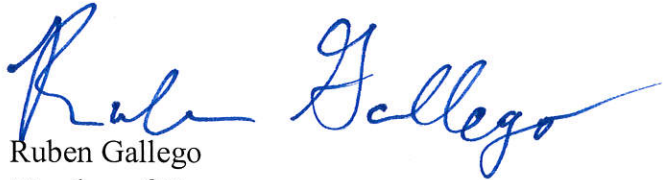
Jared Huffman  
Member of Congress



Alan S. Lowenthal  
Member of Congress



Donald S. Beyer Jr.  
Member of Congress



Ruben Gallego  
Member of Congress



Colleen Hanabusa  
Member of Congress



Nanette Diaz Barragán  
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Darren Soto  
Member of Congress



Anthony Brown  
Member of Congress



Wm. Lacy Clay  
Member of Congress



Jimmy Gomez  
Member of Congress



Nydia M. Velázquez  
Member of Congress



Grace F. Napolitano  
Member of Congress

## Evaluation of DOI Personnel Bulletin 18-01: Prevention and Elimination of Harassing Conduct

<b>1</b>	<b>Definition of Harassment:</b>	<b>Complete</b>	
	Does the policy clearly define harassment and state that such conduct is prohibited?	<input checked="" type="checkbox"/>	
	Does it provide specific examples of prohibited conduct?	<input checked="" type="checkbox"/>	
	Does it include harassment that has not yet become unlawful (i.e., "severe or pervasive")?	<input checked="" 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 checked="" type="checkbox"/>	
<b>2</b>	<b>Retaliation:</b>	<b>Complete</b>	
	Does the policy assure that complainants, witnesses, and any others who provide information concerning claims are protected from retaliation?	<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 checked="" type="checkbox"/>	
<b>3</b>	<b>Confidentiality:</b>	<b>Complete</b>	
	Does the policy assure confidentiality, to the extent possible, of individuals who bring harassment claims?	<input checked="" type="checkbox"/>	
	Does it state that exceptions to confidentiality may be made on a need-to-know basis?	<input checked="" type="checkbox"/>	
	Does it also assure that information gathered during an investigation will be kept confidential to the extent possible?	<input checked="" type="checkbox"/>	
<b>4</b>	<b>Complaint Process:</b>	<b>Complete</b>	
	Does the policy adequately describe the complaint process?	<input checked="" type="checkbox"/>	
	Does the process include multiple avenues for reporting?	<input checked="" type="checkbox"/>	
	Does the process include at least one official outside of the employee's chain of command?	<input checked="" type="checkbox"/>	
	Is the process separate from the EEO complaint process?	<input checked="" type="checkbox"/>	
<b>5</b>	<b>Inquiry/Investigation Process:</b>	<b>Partially Complete</b>	
	Does the policy assure a prompt, thorough, and impartial investigation?	<input checked="" type="checkbox"/>	
	Does it identify who is responsible for conducting investigations?	<input checked="" type="checkbox"/>	
	Does it include reasonable time limits for the managers/supervisors to refer the complaint for investigation?	<input checked="" type="checkbox"/>	
	Does it include reasonable time limits for conducting investigations?	<input type="checkbox"/>	
	Does it state that intermediate measures may be necessary before completing the investigation to ensure that further harassment does not occur?	<input checked="" type="checkbox"/>	
	Does it state that no intermediate measures may be taken against the alleged victim without his/her consent?	<input checked="" type="checkbox"/>	
<b>6</b>	<b>Corrective Action:</b>	<b>Complete</b>	
	Does the policy assure immediate and appropriate corrective action?	<input checked="" type="checkbox"/>	
	Does it state the corrective action is proportionate and may include discipline or removal of employees?	<input checked="" type="checkbox"/>	
	Does it identify who is responsible for administering corrective action?	<input checked="" type="checkbox"/>	
<b>7</b>	<b>Manager/Supervisor Accountability:</b>	<b>Complete</b>	
	Does the policy indicate that managers and supervisors will be held accountable for adhering to anti-harassment policies and procedures?	<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 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 checked="" type="checkbox"/>	
<b>8</b>	<b>Accessibility, Clarity, and Readability:</b>	<b>Complete</b>	
	Is the most recently updated policy posted on the bureau's website?	<input checked="" type="checkbox"/>	
	Is it written in plain language?	<input checked="" type="checkbox"/>	
	Is it organized into logically ordered sections and subsections?	<input checked="" type="checkbox"/>	
	Are acronyms and abbreviations spelled out?	<input checked="" type="checkbox"/>	