

**FEMA Must Take  
Additional Steps to  
Better Address Employee  
Allegations of Sexual  
Harassment and Sexual  
Misconduct**





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

September 29, 2021

MEMORANDUM FOR: The Honorable Deanne Criswell  
Administrator  
Federal Emergency Management Agency

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V  
CUFFARI** Digitally signed by  
Inspector General JOSEPH V CUFFARI  
Date: 2021.09.28 15:33:24  
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SUBJECT: *FEMA Must Take Additional Steps to Better Address  
Employee Allegations of Sexual Harassment and Sexual  
Misconduct*

Attached for your information is our final report, *FEMA Must Take Additional Steps to Better Address Employee Allegations of Sexual Harassment and Sexual Misconduct*. We incorporated the formal comments from the Federal Emergency Management Agency in the final report.

The report contains five recommendations to improve FEMA's handling of sexual harassment and misconduct allegations. Your office concurred with all five recommendations. Based on information provided in your response to the draft report, we consider four recommendations resolved and closed, and one recommendation resolved and open. Once your office has fully implemented the final recommendation, please submit a formal closeout letter to us within 30 days so we may close the recommendation. The letter should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure requests to [OIGISPFollowup@oig.dhs.gov](mailto:OIGISPFollowup@oig.dhs.gov).

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Thomas Kait, Deputy Inspector General for the Office of Inspections and Evaluations, at (202) 981-6000.

Attachment



# DHS OIG HIGHLIGHTS

## *FEMA Must Take Additional Steps to Better Address Employee Allegations of Sexual Harassment and Sexual Misconduct*

September 29, 2021

### Why We Did This Evaluation

We initiated a review to determine whether FEMA appropriately reported, investigated, and adjudicated employee allegations of sexual harassment and sexual misconduct.

### What We Recommend

We made five recommendations to improve FEMA's handling of employee allegations of sexual harassment and sexual misconduct.

#### **For Further Information:**

Contact our Office of Public Affairs at (202) 981-6000, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### What We Found

The Federal Emergency Management Agency (FEMA) did not always appropriately report and investigate employee allegations of sexual harassment and workplace sexual misconduct. For FYs 2012 to 2018, we identified 305 allegations from FEMA employees potentially related to sexual harassment and sexual misconduct such as sexual assault, unwelcome sexual advances, and inappropriate sexual comments. However, we were unable to determine whether FEMA properly handled 153 of these allegations, because it could not provide complete investigative and disciplinary files. For allegations that had complete files available, at times we were unable to determine whether FEMA conducted an investigation. Finally, we found FEMA did not document whether it reviewed some sexual harassment-related Equal Employment Opportunity (EEO) complaints to determine whether potential employee misconduct occurred. We attributed the inconsistent investigations and incomplete files to inadequate policies, processes, and training.

One-third (255 of 765) of the employees who responded to our questionnaire indicated they had experienced sexual harassment or sexual misconduct, but they did not report it because they did not believe the allegations would be investigated. Unaddressed sexual harassment and sexual misconduct in the workplace can have negative effects on employees, including decreased performance, low morale, and increased turnover.

### FEMA Response

FEMA concurred with all five recommendations, four of which are resolved and closed. One recommendation remains resolved and open.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**Table of Contents**

Introduction..... 2

Background ..... 2

Results of Evaluation ..... 7

FEMA Did Not Maintain Complete Investigative and Disciplinary  
Records ..... 7

AHU Did Not Adequately Address Sexual Harassment Allegations ..... 9

FEMA Lacked Documentation to Demonstrate It Investigated Sexual  
Harassment EEO Complaints as Potential Employee Misconduct ..... 12

Inadequate Training of FIID Investigators Led to Insufficient and  
Incomplete Investigations ..... 13

Recommendations..... 16

**Appendixes**

Appendix A: Objective, Scope, and Methodology ..... 20

Appendix B: FEMA Comments to the Draft Report ..... 22

Appendix C: FEMA Employee Questionnaire Results ..... 29

Appendix D: Office of Special Reviews and Evaluations Major  
Contributors to This Report ..... 41

Appendix E: Report Distribution..... 42

**Abbreviations**

AID	Administrative Investigations Directive
AHU	Anti-Harassment Unit
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FEMA	Federal Emergency Management Agency
FIID	Fraud and Internal Investigations Division
GAO	Government Accountability Office
GS	General Schedule
Icomplaints	Icomplaints Complaint Enterprise System
INV	Office of Investigations (DHS OIG)
LER	Labor and Employee Relations Branch
OCCHCO	Office of the Chief Component Human Capital Officer



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OCSO	Office of the Chief Security Officer
OER	Office of Equal Rights
OPR	Office of Professional Responsibility
SF	Standard Form





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## Introduction

Harassment in the workplace has negative effects on employees, including decreased performance, low morale, and increased turnover. Sexual harassment, in particular, causes emotional and physical issues, professional and financial problems, and decreased productivity. We initiated this evaluation to determine whether the Federal Emergency Management Agency (FEMA) appropriately handled employee allegations of sexual harassment and sexual misconduct.<sup>1</sup>

## Background

Consistent with Federal regulations,<sup>2</sup> the Department of Homeland Security Anti-Harassment Policy Statement defines sexual harassment as a form of prohibited harassment, which includes:

unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is made explicitly or implicitly a term or condition of one's employment or is used as a basis for career or employment decisions affecting that person; or such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.<sup>3</sup>

The DHS Anti-Harassment Program<sup>4</sup> requires DHS components to develop and publish component-specific anti-harassment reporting procedures in accordance with departmental policies and programs. Components must also maintain written procedures for filing, addressing, and conducting inquiries into reports of harassment.<sup>5</sup> These procedures should identify multiple avenues through which individuals may report violations of the Department's policy.

In September 2015, FEMA issued its Anti-Sexual Harassment Directive<sup>6</sup> to prohibit and prevent sexual harassment in the workplace and promptly correct

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<sup>1</sup> For our project scope, we examined sexual misconduct including sexual assault against another employee, unwelcome touching, abuse of position for sexual purposes, nonconsensual viewing/recording/photographing/transmitting intimate or sexual situations involving another employee, sexual threats against another employee, and indecent exposure in front of another employee.

<sup>2</sup> 29 Code of Federal Regulations (C.F.R.) § 1604.11 – Sexual Harassment.

<sup>3</sup> DHS Anti-Harassment Policy Statement 256-06, April 1, 2019.

<sup>4</sup> The DHS Anti-Harassment Program further clarifies details of the Department of Homeland Security Anti-Harassment Policy Statement. It describes the responsibilities for DHS officials and component heads, as well as program requirements and policies.

<sup>5</sup> DHS Anti-Harassment Program 256-01, May 24, 2019.

<sup>6</sup> FEMA Anti-Sexual Harassment 256-4, September 25, 2015.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

sexual harassment when it occurs. The directive defined sexual harassment as a form of prohibited harassment and conduct that is often, but not always, sexual in nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct based on sex (whether or not it is sexual in nature). It also provided examples of subtle behaviors that constitute sexual harassment, such as “sexual teasing and innuendo, deliberate leaning or cornering, staring or ogling that causes humiliation, and posting sexually oriented visual materials.”

In December 2015, FEMA issued its Employee Discipline Manual, which describes the policy, procedures, and responsibilities for disciplining employees and guides supervisors on the procedures to correct misconduct.<sup>7</sup> Additionally, FEMA established a table of penalties providing a range of penalties for specific types of offenses, including inappropriate and/or unwelcome verbal or physical behavior of a sexual nature.<sup>8</sup>

### **FEMA’s Process for Reporting and Investigating Misconduct**

During the time of our evaluation, FEMA reviewed allegations and conducted administrative investigations according to its Administrative Investigations Directive (AID).<sup>9</sup> The directive described the FEMA policy for reporting any employee misconduct, conducting administrative investigations, and reporting action taken in response to substantiated misconduct. Offices responsible for managing FEMA’s misconduct process included:

- (1) Office of the Chief Security Officer (OCSO) Fraud and Internal Investigations Division (FIID) – conducted investigations into employee misconduct;
- (2) Office of the Chief Component Human Capital Officer Labor and Employee Relations Branch (LER) – coordinated managerial inquiries into allegations of misconduct not investigated by FIID, provided guidance to investigators, and assisted FEMA managers and supervisors in selecting appropriate discipline; and
- (3) Office of Equal Rights (OER) – managed FEMA’s Anti-Harassment Unit (AHU) and Equal Employment Opportunity (EEO) process.

FEMA directed employees to promptly report allegations of sexual harassment internally to a management official, FIID, LER, OER, or externally to DHS Office of Inspector General (OIG). The AID Committee reviewed all internal, non-EEO allegations and was made up of officials from the three FEMA offices

<sup>7</sup> *FEMA Employee Discipline Manual 255-3-1*, December 29, 2015.

<sup>8</sup> FEMA Table of Penalties.

<sup>9</sup> *FEMA Directive: Administrative Investigations 123-19*, May 1, 2018.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

responsible for receiving employee allegations — FIID, LER, and OER — as well as representatives from FEMA’s Office of Chief Counsel Personnel Law Branch. The AID Committee: (1) reviewed the misconduct allegations, (2) referred allegations to DHS OIG as appropriate, (3) assigned investigators to allegations not referred to or investigated by DHS OIG or other law enforcement entities, and (4) monitored ongoing investigations. Based on the information available to support each allegation, the AID Committee determined which of the following type of investigation to conduct:

- **Managerial Inquiry** – Review into one or few isolated incidents, with few witnesses and/or documents. The manager or supervisor in the subject’s direct line of supervision conducts this type of inquiry, except in select situations when an employee outside of the subject’s supervisory chain can conduct the inquiry. The resulting managerial inquiry reports should be completed within 30 days, subject to extensions for good cause.
- **FIID Investigation** – Investigation of allegations of employee misconduct that are criminal in nature or may have a criminal nexus when DHS OIG or other law enforcement authorities have declined to investigate. These reports of investigation should be completed within 90 to 180 calendar days, depending on the complexity of the investigation.
- **Independent Investigation** – Investigations of subjects who are Senior Executives, conducted by senior Government officials, usually at the General Schedule (GS) 15 or Senior Executive Service level and appointed by the FEMA Chief of Staff, or designee. Generally, independent investigations should be completed within 30 days, subject to extensions for good cause.

Upon completion of an investigation, the investigative findings from the managerial inquiry reports and FIID reports of investigation were provided to LER for potential discipline. Independent investigations were sent to the Office of Chief Counsel for legal review before LER. Then, LER determined whether administrative action, such as discipline, was appropriate, in accordance with FEMA guidance.

To maintain records of the allegations, the AID Committee used the AID Tracker, a Microsoft Excel spreadsheet maintained by FIID. OER and LER also used Microsoft Excel spreadsheets to track and monitor cases. FIID and LER maintained case and investigative documents, including investigative reports, on a shared network drive with restricted access.

In March 2018, the FEMA Administrator established AHU within OER to provide centralized tracking and monitoring of harassment allegations and to conduct inquiries into allegations of harassment, whether or not they are





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

accompanied by EEO claims. At the time of our evaluation, AHU investigated harassment allegations as managerial inquiries and sent supported allegations to LER for potential discipline.

### **Creation of the Office of Professional Responsibility**

The FEMA Administrator announced the creation of an Office of Professional Responsibility (OPR) in July 2018, meant to “ensure expeditious, fair, and objective follow-up and resolution of allegations of employee misconduct.”<sup>10</sup> In December 2018, the FEMA Administrator outlined OPR’s mission, scope, and actions and further directed that all investigatory functions for internal misconduct, including harassment allegations, be consolidated in OPR.<sup>11</sup>

After the completion of OIG’s fieldwork in August 2019, FEMA took additional actions regarding how it handled employee allegations of sexual harassment and sexual misconduct. The Acting FEMA Administrator signed the OPR Directive<sup>12</sup> on October 21, 2019, effectively replacing the AID<sup>13</sup> and establishing OPR’s authority to receive, review, investigate, and refer all allegations of misconduct by FEMA personnel.

Currently, FEMA requires employees to immediately report misconduct to OPR or DHS OIG. If DHS OIG does not investigate the allegation, OPR then determines whether it will open an investigation or refer it to LER for the coordination of a managerial inquiry. Once OPR completes an investigation or a manager completes the managerial inquiry, they send the completed report of investigation or managerial inquiry report to LER to coordinate a review with the appropriate manager and possibly impose disciplinary action.

Additionally, as of February 2020, OPR’s Anti-Harassment Program assumed responsibility from AHU for processing harassment allegations reported after October 2019, taking over its functions of responding to and conducting investigations into all allegations of harassment.

### **The EEO Process**

Within FEMA, OER is responsible for managing and coordinating the EEO program. The EEO process, separate from the misconduct process, is standard across the Federal Government. The process uses damage awards and

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<sup>10</sup> FEMA, *Statement by FEMA Administrator Brock Long on the Results of a Recent Internal Investigation*, July 30, 2018.

<sup>11</sup> FEMA, *Implementation of FEMA’s Office of Professional Responsibility*, December 17, 2018.

<sup>12</sup> *FEMA Directive: Office of Professional Responsibility 112-13*, October 21, 2019.

<sup>13</sup> FEMA, *Rescission of FEMA Directive 123-19: Administrative Investigations Directive*, October 23, 2019.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

equitable relief, paid or provided by the agency, to make discrimination victims whole and prevent the recurrence of the unlawful discriminatory conduct.<sup>14</sup>

Generally, the EEO process consists of the informal counseling and the formal complaint stages. In the counseling stage, the agency attempts resolution through EEO counseling or alternative dispute resolution (mediation). If resolution is not achieved at this point, an employee may elect to file a formal EEO complaint, which is investigated by the agency. After the investigation, the employee receives a copy of the investigative file and may request a Final Agency Decision by the agency without a hearing or request a hearing and decision from a U.S. Equal Employment Opportunity Commission (EEOC) administrative judge. At any point during the counseling or formal stage, the agency can offer to settle the EEO complaint. However, the employee is not required to accept the settlement offer. Since 2010, DHS has required components to use the Icomplaints Complaint Enterprise System (Icomplaints), an electronic records system, to track complaints and supporting documentation for EEO complaints.

Investigations into misconduct are separate from the EEO process. The EEOC recommends agencies address all claims of harassment by developing complaint procedures separate from the EEO process. EEOC's guidance on model EEO programs<sup>15</sup> states the agency should utilize these procedures regardless of whether the alleged victim files an EEO complaint on the same matter.

We conducted this evaluation to determine whether FEMA appropriately reports, investigates, and adjudicates employee allegations of sexual harassment and workplace sexual misconduct. We focused on instances where the affected party and subject were both DHS employees.

To identify sexual harassment and sexual misconduct allegations, we requested and reviewed all employee allegations of employee misconduct from FEMA offices from fiscal years 2012 to 2018 (we reviewed OER AHU allegations from March 2018, when AHU was created, to March 2019). Based on our review of more than 7,000 allegations, we determined 305 potentially related to sexual harassment and sexual misconduct. For these 305 allegations, we requested supporting documentation, such as reports of investigation, initial complaint forms, agency disciplinary proposal and decision letters, and Standard Form (SF) 50s.<sup>16</sup>

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<sup>14</sup> U.S. Equal Employment Opportunity Commission, *Model EEO Programs Must Have An Effective Anti-Harassment Program*.

<sup>15</sup> *Id.*

<sup>16</sup> The Standard Form 50 (SF-50) is a permanent record in a Federal employee's Official Personnel Folder that documents all personnel actions, including disciplinary action.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

We also distributed an online questionnaire to all FEMA employees to learn about their experience with sexual harassment and sexual misconduct, and about agency communication of relevant policies and procedures. The full results of our questionnaire are included as Appendix C to this report.

We conducted our evaluation between September 2018 and August 2019. Our report addresses FEMA's reporting, investigating, and adjudication of employee allegations of sexual harassment and sexual misconduct prior to FEMA's creation of OPR and OPR's assumption of responsibilities from FIID and OER.

### Results of Evaluation

FEMA did not always appropriately report and investigate employee allegations of sexual harassment and workplace sexual misconduct. For FYs 2012 to 2018, we identified 305 allegations from FEMA employees potentially related to sexual harassment and sexual misconduct such as sexual assault, unwelcome sexual advances, and inappropriate sexual comments. However, we were unable to determine whether FEMA properly handled 153 of these allegations, because it could not provide complete investigative and disciplinary files. For allegations that had complete files available, at times we were unable to determine whether FEMA conducted an investigation. Finally, we found FEMA did not document whether it reviewed some sexual harassment EEO complaints to determine whether potential employee misconduct occurred. We attributed the inconsistent investigations and incomplete files to inadequate policies, processes, and training.

In addition, one-third (255 of 765) of the employees who responded to our questionnaire indicated they had experienced sexual harassment or sexual misconduct, but they did not report it because they did not believe the allegations would be investigated. Unaddressed sexual harassment and sexual misconduct in the workplace can have negative effects on employees, including decreased performance, low morale, and increased turnover.

### FEMA Did Not Maintain Complete Investigative and Disciplinary Records

FEMA offices responsible for investigating and disciplining employees for sexual harassment and sexual misconduct, at the time of our evaluation, were unable to provide complete investigative and disciplinary records for all allegations. From our review of FEMA's tracking data for 7,000 allegations, we identified 305 allegations potentially related to sexual harassment and sexual misconduct. However, when we attempted to review related documents for the allegations, including reports of investigation, managerial inquiry reports, and SF-50s, we consistently found they were missing. The missing documentation for half (153 of 305) of the relevant allegations hindered our ability to



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

determine whether FEMA appropriately investigated and adjudicated allegations of employee sexual misconduct or sexual harassment. Table 1 shows the number of allegations with missing or incomplete documentation from each office.

**Table 1. Missing and Incomplete Documentation for FEMA Allegations**

FEMA Office	Sexual Harassment/Misconduct Allegations	Allegations with Missing or Incomplete Documentation
<b>FIID</b>	133	97
<b>LER</b>	83	26
<b>OER</b>	89	30
<b>TOTAL<sup>17</sup></b>	<b>305</b>	<b>153</b>

Source: DHS OIG analysis of FEMA cases

Of the 133 FIID cases, 97 (73 percent) contained incomplete reports or were missing reports of investigation. As a result, we were unable to verify whether FIID gathered enough evidence to support or disprove the allegations for these cases, and sometimes whether FIID conducted investigations. Of the 83 LER cases, LER did not provide investigative or disciplinary records for 26 (30 percent) of the cases. Specifically, even for substantiated allegations from as recently as 2018, LER could not locate documents, including decision letters and SF-50s. As such, we were unable to verify whether FEMA disciplined some employees for recent cases of sexual harassment or sexual misconduct. Finally, of the 89 relevant OER allegations, 63 were AHU complaints and 26 were EEO complaints. The 30 OER allegations with missing or incomplete documentation were all AHU complaints. This missing documentation included initial complaint details and investigative reports.

Although we identified 305 allegations potentially related to sexual harassment and sexual misconduct from our review of data for 7,000 allegations, we were unable to determine whether another 100 allegations were relevant. Specifically:

- FIID’s data contained incomplete information for 39 allegations;
- LER’s data contained limited information for 46 allegations; and
- OER’s tracking data included 15 EEO allegations with little to no descriptions of the allegations.

When we inquired about the missing documentation, officials from FIID, LER, and OER described their difficulties maintaining documents and tracking cases because they did not have a proper case management system to not only

<sup>17</sup> Totals may contain duplicate allegations because allegations investigated by FIID or OER are sent to LER for adjudication and disciplinary action. Allegations may have been missing documentation from each FEMA office.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

maintain case tracking information but also consolidate relevant documents pertinent to each case. We were especially concerned about missing information for EEO allegations because DHS has used Icomplaints to track EEO complaints and maintain supporting documentation since 2010. Although FEMA used Icomplaints for a number of years prior to the requirement, OER officials advised that if they did not provide particular EEO documents, we should consider them “unavailable.”

LER officials noted that the absence of a case management system affected FEMA’s statistical reporting to the Department, DHS OIG, and other Federal agencies. The officials described feeling nervous when reporting numbers of cases without a true tracking system to support them. In a 2017 Government Accountability Office (GAO) report on FEMA’s handling of employee misconduct allegations,<sup>18</sup> GAO stated FEMA could improve the quality and usefulness of its data on employee misconduct cases through the adoption of database software or a case management system. When we asked FEMA officials about the status of addressing GAO’s recommendation, they said progress towards procuring a case management system halted due to budgetary constraints.

Because FEMA could not provide complete disciplinary and investigative records for all allegations, we were unable to assess whether the discipline of senior officials versus other employees is equitable for similar sexual harassment or sexual misconduct offenses. FEMA’s inability to effectively manage and maintain investigative and disciplinary case files jeopardized the integrity of the agency’s investigative and disciplinary process.

### **AHU Did Not Adequately Address Sexual Harassment Allegations**

Although the FEMA Administrator stated FEMA would investigate allegations of sexual harassment promptly and take appropriate action upon conclusion, we identified 34 of 63 allegations related to sexual harassment that AHU did not appear to investigate. We also identified 12 cases that took more than 100 days to complete, more than triple FEMA’s recommended timeline in the AID of 30 days. Of the 12 cases, 3 took AHU more than 200 days to close. When we asked AHU officials about these allegations, they said AHU did not have the documented processes and policies needed to effectively handle sexual harassment allegations. Consequently, AHU’s inability to investigate allegations of sexual harassment timely or at all risked creating employee skepticism of FEMA’s ability to address alleged harassment. One-third (255 of 765) of the employees who responded to our questionnaire<sup>19</sup> and had experienced behaviors associated with sexual harassment or sexual

<sup>18</sup> GAO-17-613 – *Federal Emergency Management Agency: Additional Actions Needed to Improve Handling of Employee Misconduct Allegations*, 2017.

<sup>19</sup> See Appendix C for the full questionnaire results.





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

misconduct said they did not report them because they did not believe their allegations would be investigated.

### **AHU May Not Have Investigated Some Sexual Harassment Allegations**

From the FEMA Administrator's initial establishment of AHU within OER in March 2018 through March 2019, AHU received 63 sexual harassment or sexual misconduct allegations. We were unable to verify whether AHU investigated 34 (54 percent) of these allegations because of the absence of information on case outcomes in AHU's tracking spreadsheet, as well as missing investigative documents such as managerial inquiry reports. These allegations included complaints involving unwanted sexual advances, physical sexual assault, and inappropriate comments. In some cases, we were unable to determine whether AHU investigated the complaints despite having descriptions of the alleged sexual harassment or misconduct and the subjects' names.

Following are examples of allegations for which we did not find any documentation indicating AHU investigations had occurred:

- A complainant alleged multiple coworkers discussed having sex at work and one male coworker told her that to keep her job, she had to have sex with him. The male coworker also allegedly threatened to "black ball" her. The coworker was removed, but AHU staff still recommended a managerial inquiry to ensure the harassing behavior was not continuing elsewhere. As of March 2019, 7 months after the AHU received this allegation, AHU's tracking data showed the case remained "open" with no investigative outcome.
- A complainant alleged a male coworker repeatedly shared inappropriate stories and comments of a sexual nature with female coworkers during work hours. More than 100 days after receiving this allegation, AHU officials notified the complainant it was closing the case because she was "unresponsive" to AHU's attempts to contact her. AHU did not investigate, despite having a detailed allegation and the subject's name and work unit.

### **AHU Did Not Complete Investigations Timely**

When AHU conducted investigations, it did not always complete them in a timely manner. AHU assigned allegations for investigation as managerial inquiries, which should be completed within 30 days, subject to extensions for good cause. Because of AHU's incomplete records, we were only able to identify closure dates for 23 of 63 (37 percent) of AHU cases relevant to our evaluation. Of the 23 cases, 22 (96 percent) took more than 30 days to complete. Thirteen of these 22 cases (59 percent) took more than 90 days to



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

complete. FEMA provided no documentation to explain the delays, nor did it provide records of extensions.

Following are descriptions of cases that took longer than 30 days to complete:

- A complainant submitted an allegation to AHU in March 2018, alleging retaliation regarding a prior report of sexual harassment. The investigator did not provide the investigative report to AHU until October 2018, 7 months after AHU received the complaint. The investigative report only contained minimal details about the investigator's findings and summarized witness interviews.
- A complainant alleged in September 2018 that another employee made sexual advances and inappropriate sexual comments. We requested documentation regarding this allegation, but only received a May 2019 email assigning a manager to conduct a managerial inquiry, more than 8 months after AHU received the complaint.
- A complainant alleged her coworker made inappropriate sexual comments. AHU contacted the complainant 6 months after she made the allegation, at which point she chose not to pursue the case. As a result, AHU did not investigate and closed the case 192 days after receiving the initial complaint.

We asked FEMA personnel why allegations received by AHU were not investigated or were not completed timely. They explained that when AHU was established in March 2018, there were no policies or guidance established on how to handle incoming allegations. As a result, AHU staff were unprepared to handle the flow of allegations they received. They said that, at the establishment of AHU, only one employee was dedicated to manage the entire program. The absence of policies, guidance, and resources to conduct investigations timely hindered AHU's ability to effectively investigate and process the allegations.

In August 2018, given complaints from employees who felt AHU had not adequately addressed their allegations, FEMA's Chief of Staff announced the OER Director was conducting a full analysis of all open complaints and cases brought to AHU.<sup>20</sup> The announcement stated a team of independent, contracted staff would support the OER Director to ensure neutrality and unbiased claims processing. At the time of our fieldwork, September 2018 to August 2019, we found no indication the OER Director and independent contractor staff had begun their analysis.

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<sup>20</sup> August 24, 2018 e-mail message from FEMA Chief of Staff to all FEMA employees entitled "Second Update: Not on My Watch."



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Results from our questionnaire indicated FEMA employees have concerns with how FEMA handles allegations of sexual harassment or sexual misconduct. Questionnaire results indicated that since 2012, nearly 21 percent (896 of 4,218) of the respondents had experienced some type of sexual harassment or sexual misconduct. These behaviors included unwanted sexual advances, such as unwanted touching, crowding, or leaning, as well as insulting remarks of a sexual nature, including jokes or sexual humor. However, of those who experienced such behaviors, 77 percent (776 of 1,003) did not report it.

Two of the main reasons why respondents chose not to report the behaviors were: (1) they did not believe management was supportive of employees reporting such behaviors (37 percent, or 281 of 765), or (2) they did not believe the allegations would be investigated (33 percent, or 255 of 765). Similarly, 24 percent (996 of 4,176) of survey respondents reported they had witnessed sexual harassment or sexual misconduct; 76 percent (845 of 1,108) responded that they did not report it. Again, the main reason was they did not believe management was supportive of such reporting (33 percent, or 275 of 838). By not consistently investigating employee allegations in a timely manner or at all, AHU may have perpetuated the perception that FEMA does not take sexual harassment seriously.

### **FEMA Lacked Documentation to Demonstrate It Investigated Sexual Harassment EEO Complaints as Potential Employee Misconduct**

During our review of OER's investigations of 26 EEO complaints involving sexual harassment, FIID was unable to provide documents indicating it had reviewed the complaints to determine whether employee misconduct had also occurred. The absence of files to support investigations of sexual harassment-related EEO complaints hindered our ability to determine whether FEMA treated such cases as potential employee misconduct.

FEMA's EEO process, initiated through OER, is designed to make discrimination victims whole through damages and equitable relief. The EEO process is separate from the misconduct process, which serves to investigate and discipline employees who committed misconduct involving sexual harassment. The EEO process does not preempt an agency's internal misconduct process and cannot require an agency to discipline its employees. Because an EEO case can remain open for years, EEOC encourages agencies to address claims of harassment promptly and separate from the EEO process.

Based on a lack of documentation, we could not determine whether FEMA reviewed EEO complaints to determine if a separate employee misconduct investigation was also necessary. FEMA officials stated FIID only conducted an internal investigation of alleged misconduct in an EEO complaint after the EEO



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

process was complete, not simultaneously. In one such example, an employee alleged a manager shoved her against a wall and kissed her. In another EEO complaint, an employee alleged a coworker made inappropriate requests and comments, including comparing the employee to a stripper and repeatedly propositioning the employee. Even so, we found no evidence that FIID reviewed any EEO complaints to determine whether misconduct occurred after the EEO cases were completed.

Our questionnaire results indicated one-third of employees (255 of 765) who experienced sexual harassment and misconduct chose not to report it because they believed FEMA would not investigate that type of behavior. Consequently, FEMA may have missed opportunities to prevent future behavior and rehabilitate employees who harassed or otherwise behaved in violation of agency policies.

### **Inadequate Training of FIID Investigators Led to Insufficient and Incomplete Investigations**

During our review of FIID investigative reports, we noted some investigations into sexual harassment and sexual misconduct appeared incomplete. We collaborated with our OIG Office of Investigations (INV) to review the 18 most concerning FIID investigations. In all 18 investigations, OIG INV identified instances where it appears investigators did not interview all witnesses, reports did not include all investigative exhibits, or reports included unsupported investigative conclusions. We attribute such shortfalls to inadequate training of FEMA investigators, as OCSO officials stated the office did not provide training for its FIID investigators and instead relied on the investigators' previous training and experience.

### **FIID Reports of Investigation Were Incomplete**

DHS Management Directive, *Office of Inspector General*, requires all allegations of criminal misconduct against a DHS employee be referred to OIG.<sup>21</sup> However, we identified 18 FIID reports of investigation where allegations did not appear to be referred to OIG, investigators did not interview necessary witnesses, or investigators' conclusions appeared to be biased. Following are examples of the issues we identified:

- A FEMA employee alleged sexual harassment and inappropriate touching by another FEMA employee. We determined the investigation was not thorough for several reasons. First, the report of investigation included information about the complainant that appeared irrelevant to the investigation. Rather than focus solely on the allegation, the report

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<sup>21</sup> DHS Management Directive 0810.1, *Office of Inspector General*, June 10, 2004.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

included statements from witnesses about the complainant's work ethic, stating that she "had an obvious problem getting to work on time," "could not complete her work as assigned," and "could not complete duties and tasks assigned to her." Second, we determined FIID could have employed additional investigative techniques, such as analyzing emails, to corroborate witnesses' statements, which were often contradictory. The allegation also was not referred to OIG, as required.<sup>22</sup>

- A FEMA employee alleged she was sexually assaulted by a coworker. In reviewing the report of investigation, we observed bias. For example, the FIID investigator noted the complainant was "extremely vague with any details regarding the allegations," and questioned "why she would continue to travel with, socialize and continue to engage in sexual activity with someone who had raped and assaulted her." In contrast, the FIID investigator remarked the subject was "extremely organized and detailed during [his] interview" and was able to describe interactions with the complainant "without referring to any notes and/or documents." We also found that FIID should have conducted a forensic analysis of critical emails, texts, or phone call records related to the case rather than relying solely on witness statements. In addition, the allegation was not referred to OIG, even though it involved alleged sexual assault. Ultimately, FIID concluded there was no evidence to substantiate the alleged sexual assault, stating that the fact the complainant "acknowledged that she engaged in consensual sex with [the subject] after an alleged rape and additional sexual assault occurred cast a doubt to her credibility."

FEMA should ensure its investigators conduct adequate investigations by establishing entry-level training and providing in-service training. However, FIID did not have a formal training program for FIID investigators and primarily relied on the investigators' previous experience and training. They also relied on guidance included in FEMA's Administrative Investigations Instruction (Instruction),<sup>23</sup> which describes how to conduct administrative investigations. Further, the Instruction contains no guidance on the type or content of training needed by investigators. The only mention of training in the Instruction is, "[a]n Investigating Officer with training and experience can significantly enhance the quality and credibility of the investigation."

The absence of a training program for FEMA investigative officials creates knowledge gaps, resulting in material inadequacies, inconsistent investigations, and unsupported findings in some investigations. Providing

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<sup>22</sup> The report of investigation states, "This case was not forwarded to DHS OIG for review because it did not rise to the level where notification was requested per Management Directive 0810.1." We disagreed with that assessment, as the allegation involved criminal misconduct (in this case, inappropriate touching).

<sup>23</sup> Instruction 123-19-1: *Administrative Investigations*. January 2018.





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

training for investigators is critical to ensuring the proper handling of employee allegations of sexual harassment and sexual misconduct.

### Conclusion

FEMA issued the Anti-Sexual Harassment Directive to prohibit and prevent sexual harassment in the workplace and promptly correct sexual harassment when it occurs. This is essential as 37 percent (3,103 of 8,371) of our survey respondents reported that sexual harassment occurs either sometimes or frequently at FEMA. Similarly, 28 percent (2,359 of 8,352) of survey respondents reported that sexual misconduct occurred either sometimes or frequently. We identified several issues with how FEMA handled employee allegations of sexual harassment and sexual misconduct. During our evaluation, we determined that FEMA did not maintain full and complete investigative and disciplinary files, did not document whether it investigated some allegations, and did not appropriately investigate others.

Such shortcomings may have fueled employee perceptions that FEMA did not address sexual harassment and sexual misconduct and was not supportive of employees reporting that type of behavior, as indicated by employee responses to our questionnaire. Notably, one-third (255 of 765) of the employees who responded to our questionnaire and experienced behaviors associated with sexual harassment or sexual misconduct said they did not report it because they did not believe the allegations would be investigated. Unaddressed sexual harassment in the workplace can have negative effects on employees, including decreased performance, low morale, and increased turnover. Establishing a comprehensive program to address sexual harassment and sexual misconduct can reduce the occurrence of these behaviors, help to enhance employee performance, and increase morale.

### Recommendations

We recommend the FEMA Administrator:

**Recommendation 1:** Establish a case management system for collection, tracking, disposition, and reporting of all employee misconduct investigations and disciplinary actions.

**Recommendation 2:** Develop and implement formal operations, processes, and procedures to ensure FEMA timely addresses all harassment allegations within established timeframes.

**Recommendation 3:** Develop and implement formal processes and procedures to ensure allegations of egregious harassment raised in EEO complaints can be referred to OPR for separate, potential misconduct review at the discretion of the OER director.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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**Recommendation 4:** Provide consistent basic training for all employees who conduct misconduct inquiries and investigations.

**Recommendation 5:** Create procedures to ensure criminal allegations are appropriately referred to DHS OIG.

### OIG Analysis of FEMA Comments

FEMA concurred with all five recommendations and described corrective actions it has taken or plans to take to address the issues identified in this report. Appendix B contains FEMA's management comments in their entirety. We also received technical comments to the draft report and revised it as appropriate. We consider four recommendations resolved and closed and one recommendation resolved and open. A summary of FEMA's response and our analysis follows.

**Recommendation 1:** Establish a case management system for collection, tracking, disposition, and reporting of all employee misconduct investigations and disciplinary actions.

**FEMA's Comments to Recommendation 1:** Concur. In July 2019, FIID transitioned from documenting allegations in an Excel spreadsheet to using an Access database. Following OPR's assumption of responsibility for addressing allegations of misconduct and harassment in October 2019, FEMA implemented J-TIMS on October 26, 2020. J-TIMS is a case management system for collection, tracking, disposition and reporting of all employee misconduct investigations. Since that date, OPR processes all misconduct and harassment allegations in J-TIMS and has successfully imported historical misconduct data from the legacy Access database from 2018 to 2020. J-TIMS contains data fields that enable OPR to document referrals to OIG, as well as final disposition of cases once that information is received from LER. FEMA requested the recommendation be closed.

**OIG Analysis:** We consider these actions responsive to the recommendation, which is resolved and closed. FEMA provided screenshots of the legacy Access database that was in use from July 2019 through October 2020, as well as screenshots of J-TIMS.

**Recommendation 2:** Develop and implement formal operations, processes, and procedures to ensure FEMA timely addresses all harassment allegations within established timeframes.

**FEMA's Comments to Recommendation 2:** Concur. On February 1, 2020, OPR assumed full responsibility from OER AHU for processing harassment



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

allegations. Rather than having managers investigate allegations of harassment under their supervision, all harassment inquiries are conducted by trained OPR investigators. OPR developed an internal standard operating procedure, “Investigations Standard Operating Procedure,” dated May 11, 2020, outlining internal processes to be followed by OPR and implemented case processing timeframes for OPR investigations. Throughout FY 2020, OPR worked in partnership with DHS CRCL to develop a FEMA Anti-Harassment Program Instruction that aligns with DHS guidance. On May 26, 2021, OPR issued FEMA Instruction 300-21-0001, which outlines the processes for handling harassment allegations across FEMA. On June 28, 2021, OPR also developed an internal workflow document, “OPR Anti-Harassment Process and Workflow,” to illustrate the process to make it easier for employees to understand. FEMA requested the recommendation be closed.

**OIG Analysis:** We consider these actions responsive to the recommendation, which is resolved and closed. FEMA provided copies of the aforementioned policies, procedures, and workflow document.

**Recommendation 3:** Develop and implement formal processes and procedures to ensure allegations of egregious harassment raised in EEO complaints to OPR for separate, potential misconduct review at the discretion of the OER director.

**FEMA’s Comments to Recommendation 3:** Concur. OER will identify and update relevant OER policy to implement this recommendation by August 2022.

**OIG Analysis:** We consider these actions responsive to the recommendation. The recommendation is resolved and open, pending the receipt of documentation to support FEMA’s update to relevant OER policies.

**Recommendation 4:** Provide consistent basic training for all employees who conduct misconduct inquiries and investigations.

**FEMA’s Comments to Recommendation 4:** Concur. FEMA acknowledged that, when the OIG was conducting this review, misconduct and harassment investigations and inquiries were governed by different processes and responsibility spread across different offices. With the establishment of OPR in October 2019, responsibility for conducting misconduct investigations and harassment inquiries was consolidated under one office. On October 2, 2019, all investigators assigned to OPR were provided training on conducting investigations by OCC and LER staff. The investigators were also provided with additional training on conducting investigations by OPR managers, which included a briefing on available training offered by FLETC. Although FEMA investigators are not law enforcement officers and are not required to attend



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

specialized training courses, OPR requires its investigators attend the Internal Affairs Investigations Training Program at FLETC. OPR anticipates having all current investigators attend the class by July 2022; newly hired investigators will also attend the FLETC training program. OPR enhanced the skills of specific investigators by allowing them to attend other FLETC technical classes, such as Grant Fraud Investigations Training Program and Internal Investigations Training Program. OPR also scheduled in-house training classes for investigators since its creation in October 2019, including Ethics Overview, Sexual Misconduct, Interviewing Victims of Sexual Harassment, and Prohibited Personnel Practices. FEMA Instruction 256-01-001 requires that all “fact-finders” assigned to conduct harassment inquiries must have received CRCL-approved training in interviewing and other investigative techniques, report writing, and conducting inquiries into harassment allegations, including instruction on what constitutes prohibited harassment pursuant to the provisions of DHS Directive 256-01 and the DHS Instruction. Accordingly, all OPR investigators have since completed the DHS Anti-Harassment Inquiry Training for Experienced Factfinders. Finally, OPR incorporated performance goals related to professional development and training into the performance plan for every investigator, which means investigators must complete two training courses in addition to mandatory training requirements. To “achieve excellence,” investigators must complete five courses. FEMA requested the recommendation be closed.

**OIG Analysis:** We consider these actions responsive to the recommendation, which is resolved and closed. FEMA provided copies of documents relevant to these activities.

**Recommendation 5:** Create procedures to ensure criminal allegations are appropriately referred to DHS OIG.

**FEMA’s Comments to Recommendation 5:** Concur. FEMA Directive 112-13 requires OPR to review all allegations it receives, regardless of source, and conduct an initial triage of each allegation to determine if the allegation must be referred to the OIG. Consequently, OPR created procedures to ensure that all allegations of reportable misconduct, including criminal allegations, are reported to the OIG, and referred more than 1,600 allegations of misconduct to the OIG since OPR’s creation. This figure includes all criminal and administrative misconduct allegations received by OPR, such as allegations involving a civil servant with a General Schedule grade of 15 or higher. Further, OPR formally codified its procedures in the OPR SOP, “Processing Employee Misconduct,” dated February 14, 2020. This SOP includes specific procedures for referring all allegations of misconduct, including allegations of criminal conduct, to the OIG, and has been periodically updated over the course of the last year after OPR transitioned from the legacy Access database



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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to J-TIMS to document case processing after implementation of the new FEMA Instruction on harassment. FEMA requested the recommendation be closed.

**OIG Analysis:** We consider these actions responsive to the recommendation, which is resolved and closed. FEMA provided copies of the standard operating procedure.





## **Appendix A**

### **Objective, Scope, and Methodology**

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

Our objective was to determine whether FEMA appropriately reports, investigates, and adjudicates employee allegations of sexual harassment and sexual misconduct. Our evaluation encompassed occurrences inside and outside of the workplace, both on- and off-duty. To address our objective, we interviewed officials and staff members responsible for investigating allegations, adjudicating claims, and determining discipline for FEMA employees. We reviewed FEMA directives, policies, and guidance related to sexual harassment and employee conduct. We also reviewed FEMA policies, guidance, and processes related to reporting, investigating, and adjudicating employee sexual harassment and workplace sexual misconduct. We examined all employee allegations of sexual harassment and workplace sexual misconduct from FY 2012 to FY 2018.

After compiling a list of potentially relevant allegations and cases, we requested additional information, including the investigative case file and documentation supporting adjudication and discipline. We analyzed those case files to evaluate:

- relevance;
- categorization of allegations;
- timelines for reporting, investigation, and adjudication of discipline;
- whether written records established allegations as substantiated or unsubstantiated;
- whether action taken was consistent with FEMA's table of penalties; and
- whether disciplinary outcomes were equitable and similar across cases.

We also cross-referenced FEMA case files with DHS OIG INV data to determine whether FEMA appropriately refers cases to DHS OIG. However, FEMA's lack of documentation prevented us from fully determining whether FEMA properly refers all allegations to DHS OIG.

Additionally, we administered a questionnaire to all FEMA employees to gather information about the occurrence of sexual harassment and sexual misconduct at FEMA and component communication of relevant policies and procedures. At the time of our questionnaire, FEMA had approximately 19,866 employees, of which 9,263 responded to the initial question. The questionnaire results included in the report represent only the experiences and observations of those who responded, and not of all FEMA employees. The number of respondents



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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varied throughout the questionnaire as some respondents did not or were not required to answer all questions. We used web-based survey software approved by the DHS Office of Privacy and the DHS OIG Office of the Chief Information Officer. We also consulted with the DHS OIG Office of Analytics and Support for assistance in designing the questions and response categories, as well as analyzing the questionnaire results. The number of respondents for each question is noted in the full results in Appendix C.

We conducted this evaluation between September 2018 and August 2019 under the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security


**Appendix B**  
**FEMA Comments to the Draft Report**

U.S. Department of Homeland Security  
Washington, DC 20472



September 8, 2021

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.  
Inspector General

FROM: Cynthia Spishak                    CYNTHIA  
Associate Administrator    SPISHAK                      
Office of Policy and Program Analysis

SUBJECT:                                    Management Response to Draft Report: “FEMA Must Take  
Additional Steps to Better Address Employee Allegations of Sexual  
Harassment and Sexual Misconduct”  
(Project No. 18-119-ISP-FEMA)

Thank you for the opportunity to comment on this draft report. The Federal Emergency Management Agency (FEMA) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

FEMA is pleased to note OIG’s recognition of the steps taken to resolve many of the issues identified and recommendations made for FEMA to improve the handling of sexual harassment and sexual misconduct cases since OIG began this review three years ago and concluded its fieldwork two years ago, such as the Acting FEMA Administrator signing the new FEMA Directive 112-13, “Office of Professional Responsibility (OPR)” on October 21, 2019. FEMA remains committed to addressing misconduct and harassment in all forms through fair, timely, and objective investigations by trained investigators assigned to FEMA’s OPR.

As background, FEMA’s OPR became operational in October 2019 when the FEMA Acting Administrator signed two key documents: (1) FEMA Directive-106-13, “Delegation of Authority to the Office of Professional Responsibility;” dated October 2, 2019, and (2) a memorandum titled: “Rescission of FEMA Directive 123-19: Administrative Investigations Directive,” dated October 23, 2019. These documents ended the legacy process of addressing allegations of misconduct through the “Administrative Investigations Directive Committee” (AID), and transferred all responsibility for the handling of misconduct and harassment allegations, including investigative functions, to OPR.

During the next several months in 2019, OPR collaborated with FEMA’s Office of Equal Rights (OER) to transition responsibility for conducting harassment investigations from the Anti-Harassment Unit (AHU) to OPR. Although OER continued to intake harassment

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## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

allegations through the AHU mailbox during those early months, all harassment allegations were routed to OPR for investigation, effective October 2, 2019. On February 1, 2020, OPR also assumed full responsibility for the agency's Anti-Harassment Program (AHP), which effectively completed the transition of handling misconduct and harassment allegations to OPR. OPR's process for addressing harassment allegations during this timeframe was guided by the Department of Homeland Security (DHS) Instruction 256-01-001, "Anti-Harassment Program," dated June 7, 2019, which provided a standardized process for conducting harassment inquiries. On May 26, 2021, OPR implemented the FEMA Instruction 300-21-0001, "Anti-Harassment Program."

Since October 2019, OPR took action to recruit and hire a professional workforce which includes a diverse team of 24 professional investigators. Training for these investigators started with in-house training delivered during OPR's "day one" kick-off event and since that time, OPR budgeted for its investigators to attend Internal Affairs Investigations Training Program (IAITP) at the Federal Law Enforcement Training Centers (FLETC). OPR also offered several "in-house" training events on a variety of topics related to misconduct and harassment, and complied with the requirements of the DHS Instruction 256-01-001 to have all agency "fact-finders" assigned to conduct inquiries into allegations of harassment complete training approved by the DHS Office for Civil Rights and Civil Liberties (CRCL). In addition to providing the training required by DHS guidance for those who conduct harassment inquiries, OPR also coordinated the delivery of two specialized training events pertaining to sexual harassment investigations with subject matter experts from other government agencies, and coordinated the delivery of additional training opportunities for its investigative staff with the U.S. Office of Special Counsel, FEMA's Office of Chief Counsel (OCC), and in-house training conducted by OPR leadership. Continual learning and training are of paramount importance to OPR as evidenced by OPR leadership incorporating professional development and training into every investigator's annual performance plan.

During October 2020, OPR implemented use of a DHS case management system, known as the Joint Threat Information Management System (J-TIMS) to track the full lifecycle of an allegation from intake, through DHS OIG referral, investigation, and eventual case disposition by FEMA's Office of the Chief Component Human Capital Officer (OCCHCO), Labor and Employee Relations (LER) Branch. Since implementation, OPR uses this case management system to track all new allegations of misconduct and harassment, and the system also serves as the repository for all case-related documents and Reports of Investigation. Accordingly, OPR developed detailed standard operating procedures (SOP), including the Joint Threat Information System (J-TIMS) Office of Professional Responsibility Case Management User Guide, dated May 28, 2021, for case managers to follow during the intake processing of an allegation, such as procedures for the mandatory referral of all allegations of misconduct to DHS OIG. Since its creation, OPR has referred more than 1,600 cases to the DHS OIG in accordance with DHS Management Directive 0810.1, "The Office of Inspector General," dated June 10, 2004.

Lastly, during the past two years, OPR developed a number of key policy documents and communication products to transparently reflect OPR's role in addressing allegations of employee misconduct and harassment, including FEMA Directive 112-13, FEMA





## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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Instruction 300-21-0001, and multiple internal SOPs. OPR also created a number of communication documents to promote the office and encourage the reporting of allegations, including an infographic on how to report misconduct or harassment, an OPR “one-pager,” OPR poster, OPR index card, anti-harassment fact sheets, and messages disseminated via the “FEMA Weekly” newsletter to employees.

The draft report contained five recommendations, with which FEMA concurs. Attached find our detailed response to each recommendation. FEMA previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for OIG consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions.

Attachment





# OFFICE OF INSPECTOR GENERAL

## Department of Homeland Security

### Attachment: Management Response to Recommendations Contained in OIG-18-119-ISP-FEMA

OIG recommended that the FEMA Administrator:

**Recommendation 1:** Establish a case management system for collection, tracking, disposition, and reporting of all employee misconduct investigations and disciplinary actions.

**Response:** Concur. On October 26, 2020, FEMA implemented the J-TIMS, a case management system for collection, tracking, disposition, and reporting of all employee misconduct investigations, as well as a number of other related actions. In July 2019, for example, the FEMA Office of the Chief Security Officer (OCSO), Fraud and Internal Investigations Division transitioned from documenting allegations of misconduct in an Excel spreadsheet to an Access database, as part of an effort to improve the quality and usefulness of the misconduct data FEMA collects by implementing quality control measures.

Following FEMA OPR's October 2019 assumption of responsibility for addressing allegations of misconduct and harassment, OPR continued utilizing this Access database until transitioning to J-TIMS, which is a custom case management system developed by programmers assigned to the DHS Office of the Chief Information Officer for the Department's OCSO. FEMA was allowed to add a limited number of customized fields to account for FEMA's unique mission and, once those enhancements were made, OPR effectively transitioned to J-TIMS on October 26, 2020. Since that date, OPR processes all misconduct and harassment allegations in J-TIMS, and has successfully imported historical misconduct data from the legacy Access database from 2018, 2019, and 2020. J-TIMS contains data fields which enable OPR to document referrals to the DHS OIG, and the final disposition of cases once that information is received from the FEMA OCCHCO LER Branch.

FEMA previously provided the OIG with screenshots of the legacy Access database that was in use from July 2019-October 2020, as well as screenshots of J-TIMS under a separate cover.

FEMA requests the OIG consider this recommendation resolved and closed, as implemented.

**Recommendation 2:** Develop and implement formal operations, processes, and procedures to ensure FEMA timely addresses all harassment allegations within established timeframes.

**Response:** Concur. During the two years since the OIG completed its fieldwork, FEMA significantly changed the way harassment allegations are addressed, including the development and implementation of formal operations, processes, and procedures to address harassment allegations. For example, effective February 1, 2020, OPR assumed full responsibility for processing harassment allegations which were previously managed by the FEMA OER AHU. OPR worked collaboratively with OER to ensure a successful transition of this important function, and the AHU has since been replaced by the AHP within OPR.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

The transfer of responsibility from OER to OPR also represents a change in expectations. Today, trained OPR investigators conduct an objective and thorough review of all allegations of misconduct, including allegations of harassment. Rather than placing managers in the difficult position of interrupting day-to-day operations to investigate potentially sensitive allegations of harassment involving employees under their supervision, all harassment inquiries are conducted by trained OPR investigators.

Since assuming responsibility for processing harassment allegations, FEMA's AHP has adhered to: (1) DHS Policy Statement 256-06: "Anti-Harassment Policy Statement," dated April 1, 2019; (2) DHS Directive 256-01, "Anti-Harassment Program," dated May 24, 2019; and (3) DHS Instruction 256-01-001. Throughout fiscal year (FY) 2020, OPR worked in partnership with the DHS CRCL to develop a FEMA AHP Instruction that aligns with DHS guidance, and OPR developed an internal SOP, "Investigations Standard Operating Procedure," dated May 11, 2020 which outlined the internal process to be followed by OPR, at that time, and implemented case processing timeframes for OPR investigations. Investigative timeframes were subsequently incorporated into the performance plans for all OPR investigators and supervisors.

In March 2021, OPR received approval from DHS CRCL to issue a FEMA AHP Instruction and on May 26, 2021, OPR issued FEMA Instruction 300-21-0001, which outlines the processes for handling harassment allegations across FEMA and mirrors guidance set forth in the DHS Instruction. On June 28, 2021, OPR also developed an internal workflow document entitled "OPR Anti-Harassment Process and Workflow" to illustrate the process to make it easier for employees to understand. FEMA previously provided the OIG copies of all the aforementioned policies, procedures, and workflow document under a separate cover.

FEMA requests the OIG consider this recommendation resolved and closed, as implemented.

**Recommendation 3:** Develop and implement formal processes and procedures to ensure allegations of egregious harassment raised in EEO complaints can be referred to OPR for separate, potential misconduct review at the discretion of the OER Director.

**Response:** Concur. FEMA OER will identify and update relevant OER policy to implement this recommendation by August 2022. Estimated Completion Date (ECD): August 31, 2022.

**Recommendation 4:** Provide consistent basic training for all employees who conduct misconduct inquiries and investigations.

**Response:** Concur. During the two years since the OIG completed its fieldwork, FEMA undertook a number of steps to provide consistent basic training for all employees who conduct misconduct and harassment inquiries/investigations. When the OIG was in the process of conducting this review, FEMA acknowledges that misconduct and harassment investigations and inquiries were governed by a number of different processes and responsibility spread across a number of different offices. With the establishment of OPR in October 2019, however, responsibility for conducting misconduct investigations and harassment inquiries was consolidated under one office.





## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

During the FEMA OPR “day one event” on October 2, 2019, all investigators assigned to FEMA OPR were provided training on conducting investigations by the FEMA OCC, and were also provided LER Training by OCCHCO LER staff. The investigators were also provided with additional training on conducting investigations by FEMA OPR managers, which included a briefing on available training offered by FLETC.

FEMA OPR currently has a designated Training Coordinator, who tracks all internal and external training received by OPR investigators, as well as the upcoming training for OPR investigators. It should be noted that FEMA investigators are not law enforcement officers and are therefore not required to attend any specialized training courses. However, FEMA OPR requires its investigators to attend the IAITP offered by FLETC, which is typically offered four times each year, and in which FEMA OPR’s ability to participate is dependent upon the availability of training seats. Beginning in October 2019, OPR began scheduling investigators for IAITP as seats became available until the onset of the COVID-19 pandemic in March 2020, which triggered the temporary closure of FLETC and impacted OPR’s ability to cycle all of its investigators through the course. However, OPR sent 7 investigators to IAITP as of February 2020, and there are currently 12 investigators scheduled to fill all of the IAITP training slots which have been offered to FEMA OPR in FY 2022 (four scheduled IAITP classes for FY 2022 with three investigators scheduled to attend each session). OPR anticipates having all of its current investigators attend this class by July 30, 2022, and as OPR experiences attrition and new investigators are hired, these new investigators will also be scheduled for the first available IAITP class.

OPR also scheduled a number of in-house training classes for investigators since its creation in October 2019, examples of which include, but are not limited to training regarding: (1) Ethics Overview delivered by FEMA OCC; (2) Sexual Misconduct; (3) Interviewing Victims of Sexual Harassment; (4) Prohibited Personnel Practices; (5) Hostile Work Environment; and (6) Motivational Interviewing and Detecting Deception.

In addition, OPR enhanced the skills of specific investigators by allowing them to attend other technical classes offered at FLETC, such as the: (1) Grant Fraud Investigations Training Program; (2) Internal Investigations Training Program; (3) Seized Computer Evidence Recovery Specialist Training; (4) Advanced Interviewing for Law Enforcement Investigations Training Program; (5) Introduction to Technical Investigations, Introduction to Digital Forensics; and (6) Mobile Device Investigation and Digital Evidence Acquisition Specialist Training Program.

FEMA Instruction 256-01-001 requires that all “fact-finders” assigned to conduct harassment inquiries must have received CRCL-approved training in interviewing and other investigative techniques, report writing, and conducting inquiries into harassment allegations, including instruction on what constitutes prohibited harassment pursuant to the provisions of DHS Directive 256-01 and the DHS Instruction. Accordingly, OPR investigators initially received this training in person from OER in the last quarter of calendar year 2019, and all OPR investigators since completed the DHS Anti-Harassment Inquiry Training for Experienced Factfinders.



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

Further, FEMA OPR incorporated performance goals related to professional development and training into the performance plan for every investigator, which means that investigators must complete two training courses, in addition to mandatory training requirements to “meet expectations for this performance goal. To “achieve excellence,” investigators must complete five courses. These OPR training efforts are also aligned with Objective 2.1 of the “2018-2022 FEMA Strategic Plan,” as well as OPR’s strategic goals of Enhancing OPR Efficiency and Effectiveness.

FEMA previously provided the OIG copies of documents relevant to these activities under a separate cover.

FEMA requests the OIG consider this recommendation resolved and closed, as implemented.

**Recommendation 5:** Create procedures to ensure criminal allegations are appropriately referred to DHS OIG.

**Response:** Concur. During the two years since the OIG completed its fieldwork for this review, FEMA undertook several steps to improve upon the intake, tracking, and referral of all allegations of misconduct. FEMA Directive 112-13, for instance, requires OPR to review all allegations it receives, regardless of source, and conduct an initial triage of each allegation to determine if the allegation must be referred to the OIG in accordance with DHS Management Directive 0810.1. Consequently, OPR created procedures to ensure that all allegations of reportable misconduct, including criminal allegations, are reported to the OIG, and referred more than 1,600 allegations of misconduct to the OIG since OPR’s creation. This figure includes all criminal and administrative misconduct allegations received by OPR, such as allegations involving a civil servant with a General Schedule grade of 15 or higher.

Further, OPR formally codified its procedures in the FEMA OPR SOP, “Processing Employee Misconduct,” dated February 14, 2020. This SOP includes specific procedures for referring all allegations of misconduct, including allegations of criminal conduct, to the OIG, and has been periodically updated over the course of the last year after OPR transitioned from the legacy Access Database to J-TIMS to document case processing after implementation of the new FEMA Instruction on harassment. FEMA previously provided the OIG a copy of this SOP under a separate cover.

FEMA requests the DHS OIG consider this recommendation resolved and closed, as implemented.



# OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

## Appendix C FEMA Employee Questionnaire Results

In February 2019, we administered an online questionnaire to all FEMA employees. At the time of the questionnaire, FEMA had approximately 19,866 employees. The purpose of the questionnaire was to gather information from employees about the occurrence of sexual harassment and sexual misconduct and FEMA’s communication of relevant policies and procedures. In total, the questionnaire contained 41 questions. However, depending on their responses, respondents may not have received all 41 questions.

The following tables show the total number of responses for each question. We calculated the percent in each table based on the total number of respondents for each question. The number of respondents varied throughout the questionnaire as some respondents did not or were not required to answer all questions.

To further examine the occurrence of sexual harassment and sexual misconduct at FEMA, the questionnaire asked respondents about behaviors experienced and witnessed while assigned to their FEMA primary duty locations and, if applicable, while working at a FEMA disaster response/recovery location.

### FEMA Primary Duty Locations

1. Where is your primary duty location?	Number and Percent of Respondents
Headquarters	2,180 (23.53%)
Regions I-X <sup>24</sup>	2,311 (24.95%)
Disaster Response/Recovery Locations Only ( <i>respondents who selected this option only received questions 18–26</i> )	3,064 (33.08%)
Home ( <i>respondents who selected this option only received questions 18–36</i> )	652 (7.04%)
Other ( <i>respondents who selected this option only received questions 18–36</i> )	1,056 (11.40%)

The following tables reflect responses for behaviors questionnaire respondents experienced or witnessed while assigned to their FEMA primary duty location. This includes respondents who selected FEMA Headquarters or Regions I–X in Question 1.

<sup>24</sup> Regions I-X represent personnel who work in FEMA’s 10 regional offices.





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

FEMA Primary Duty Location						
		Strongly Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Strongly Disagree
<b>2.</b>	<b>FEMA informs employees of what constitutes sexual harassment.</b>	2,290 (52.24%)	1,365 (31.14%)	323 (7.37%)	264 (6.02%)	142 (3.24%)
<b>3.</b>	<b>FEMA informs employees of what constitutes sexual misconduct.</b>	2,046 (46.96%)	1,388 (31.86%)	376 (8.63%)	368 (8.45%)	179 (4.11%)
<b>4.</b>	<b>FEMA informs employees of how to report sexual harassment.</b>	2,313 (53.23%)	1,319 (30.36%)	294 (6.77%)	279 (6.42%)	140 (3.22%)
<b>5.</b>	<b>FEMA informs employees of how to report sexual misconduct.</b>	2,131 (49.25%)	1,334 (30.83%)	371 (8.57%)	329 (7.60%)	162 (3.74%)

FEMA Primary Duty Location	
<b>6. I would most likely report sexual harassment or sexual misconduct to:</b>	<b>Number and Percent of Respondents</b>
Direct Supervisor	3,135 (73.42%)
Another Supervisor	867 (20.30%)
DHS OIG	844 (19.77%)
FEMA Tip Line/OCSO	522 (12.22%)
FEMA OCCHCO	394 (9.23%)
FEMA OER	1,403 (32.86%)
FEMA Office of Special Counsel	217 (5.08%)
Do Not Know	261 (6.11%)
Would Not Report	226 (5.29%)
Other	154 (3.61%)

*\*Employees could select more than one response.*



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Department of Homeland Security

FEMA Primary Duty Location	
<b>7. Since 2012, in your primary duty location, have you <i>experienced</i> any of the following behaviors?</b>	<b>Number and Percent of Respondents</b>
Insulting remarks of a sexual nature, to include jokes or sexual humor	707 (16.76%)
Unwanted sexual advances or invitations to include unwanted touching, crowding, or leaning	387 (9.17%)
Unwanted sexual texts or email communication	130 (3.08%)
Promise of reward, preferential treatment, or coercion for sexual activity or behavior	52 (1.23%)
Threats of punishment for not engaging in sexual activity	33 (0.78%)
Sexual assault or attempted sexual assault, including rape	21 (0.50%)
Indecent Exposure	36 (0.85%)
Prefer not to answer	120 (2.84%)
I have not experienced any of the listed or other unlisted behaviors associated with sexual harassment/sexual misconduct.	3,222 (76.39%)
Other sexual harassment and/or sexual misconduct related behavior not listed	156 (3.70%)

*\*Employees could select more than one response. Twenty-one percent (896) of respondents chose at least one response related to a sexual harassment/sexual misconduct behavior.*

Respondents who experienced any of the behaviors listed in Question 7 were directed to Question 8; if they did not, they were directed to Question 12.

FEMA Primary Duty Location			
		<b>Yes</b>	<b>No</b>
<b>8.</b>	<b>If you <i>experienced</i> any of the previously described behaviors, did you report it?</b>	227 (22.63%)	776 (77.7%)

Respondents who answered Yes to Question 8 were directed to Question 10. Respondents who answered No to Question 8 were directed to Question 9.

FEMA Primary Duty Location	
<b>9. If you responded "No" to Question 8, please indicate your reason for not reporting the behavior(s).</b>	<b>Number and Percent of Respondents</b>
Someone else reported the behavior	21 (2.75%)
I was afraid of reprisal or retaliation for reporting the behavior	245 (32.03%)
I do not believe management is supportive of employees reporting that type of behavior	281 (36.73%)
The behavior took place off-duty	51 (6.67%)



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Department of Homeland Security

I did not feel the behavior was serious enough to warrant reporting	299 (39.08%)
I was unfamiliar with the process for reporting the behavior	97 (12.68%)
I did not believe the employee would be investigated even if reported	255 (33.33%)
I did not want to cause an adverse action against a co-worker	151 (19.74%)
I did not want to get involved	146 (19.08%)
Management was already aware of this behavior	117 (15.29%)
Other	118 (15.42%)

*\*Employees could select more than one response.*

<b>FEMA Primary Duty Location</b>	
<b>10. If you responded "Yes" to Question 8, to whom did you first report the behavior you experienced?</b>	<b>Number and Percent of Respondents</b>
Direct Supervisor	102 (44.93%)
Another Supervisor	42 (18.50%)
DHS OIG	4 (1.76%)
FEMA Tip Line/OCSO	5 (2.20%)
FEMA OCCHCO	2 (0.88%)
FEMA OER	28 (12.33%)
FEMA Office of Special Counsel	1 (0.44%)
Do Not Know	2 (0.88%)
Other	30 (13.22%)
No Answer	11 (4.85%)

<b>FEMA Primary Duty Location</b>					
		<b>Positively</b>	<b>Not at all</b>	<b>Negatively</b>	<b>No Answer</b>
<b>11.</b>	<b>My reporting of the behaviors I experienced has impacted my career.</b>	15 (6.64%)	93 (41.15%)	79 (34.96%)	39 (17.26%)



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Department of Homeland Security

FEMA Primary Duty Location	
12. Since 2012, in your primary duty location, have you <u>witnessed</u> any of the following behaviors?	Number and Percent of Respondents
Insulting remarks of a sexual nature, to include jokes or sexual humor	827 (19.8%)
Unwanted sexual advances or invitations to include unwanted touching, crowding, or leaning	363 (8.69%)
Unwanted sexual texts or email communication	143 (3.42%)
Promise of reward, preferential treatment, or coercion for sexual activity or behavior	108 (2.59%)
Threats of punishment for not engaging in sexual activity	18 (0.43%)
Sexual assault or attempted sexual assault, including rape	17 (0.41%)
Indecent Exposure	27 (0.65%)
Prefer not to answer	126 (3.02%)
I have not witnessed any of the listed or other unlisted behaviors associated with sexual harassment/sexual misconduct.	3,075 (73.64%)
Other sexual harassment and/or sexual misconduct related behavior not listed	121 (2.90%)

*\*Employees could select more than one response. Twenty-four percent (994) of respondents chose at least one response related to a sexual harassment/sexual misconduct behavior.*

Respondents who witnessed any of the behaviors listed in Question 12 were directed to Question 13; if they did not, they were directed to Question 17.

FEMA Primary Duty Location			
		Yes	No
<b>13.</b>	<b>If you <u>witnessed</u> any of the previously described behaviors, did you report it?</b>	263 (23.74%)	845 (76.26%)

Respondents who answered Yes to Question 13 were directed to Question 15. Respondents who answered No to Question 13 were directed to Question 14.

FEMA Primary Duty Location	
14. If you responded "No" to Question 13, please indicate your reason for not reporting the behavior(s).	Number and Percent of Respondents
Someone else reported the behavior	84 (10.02%)
I was afraid of reprisal or retaliation for reporting the behavior	229 (27.33%)
I do not believe management is supportive of employees reporting that type of behavior	275 (32.82%)
The behavior took place off-duty	53 (6.32%)



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

I did not feel the behavior was serious enough to warrant reporting	274 (32.70%)
I was unfamiliar with the process for reporting the behavior	82 (9.79%)
I did not believe the employee would be investigated even if reported	248 (29.59%)
I did not want to cause an adverse action against a co-worker	130 (15.51%)
I did not want to get involved	178 (21.24%)
Other	137 (16.35%)

FEMA Primary Duty Location	
15. If you responded "Yes" to Question 13, to whom did you first report the behavior you experienced?	Number and Percent of Respondents
Direct Supervisor	118 (44.87%)
Another Supervisor	53 (20.15%)
DHS OIG	8 (3.04%)
FEMA Tip Line/OCSO	2 (0.76%)
FEMA OCCHCO	2 (0.76%)
FEMA OER	30 (11.41%)
FEMA Office of Special Counsel	2 (0.76%)
Do Not Know	3 (1.14%)
Other	23 (8.75%)
No Answer	22 (8.37%)

FEMA Primary Duty Location					
		Positively	Not at all	Negatively	No Answer
16.	<b>My reporting of the behaviors I witnessed has impacted my career.</b>	15 (5.75%)	133 (50.96%)	73 (27.97%)	40 (15.33%)





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

FEMA Primary Duty Location			
		Yes	No
17.	<b>Since 2012, have you worked at a FEMA disaster response/recovery location?</b>	2,654 (63.83%)	1,504 (36.18%)

### FEMA Disaster Response/Recovery Location

Respondents who stated they worked in locations other than FEMA Headquarters or a Regional Office in Question 1 only received the following questions. FEMA Headquarters and Regional Office respondents only received questions in this category if they had worked at a FEMA disaster response or recovery location since 2012 (Question 17).

Disaster Response Location						
		Strongly Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Strongly Disagree
18.	<b>Prior to/during deployment, FEMA informs personnel assigned to disaster response/recovery locations of what constitutes sexual harassment.</b>	3,337 (46.01%)	1,697 (23.40%)	1,124 (15.50%)	609 (8.40%)	485 (6.69%)
19.	<b>Prior to/during deployment, FEMA informs personnel assigned to disaster response/recovery locations of what constitutes sexual misconduct.</b>	3,099 (42.98%)	1,795 (24.90%)	1,139 (15.80%)	675 (9.36%)	502 (6.96%)
20.	<b>Prior to/during deployment, FEMA informs personnel assigned to disaster response/recovery locations of how to report sexual harassment.</b>	3,238 (45.27%)	1,852 (25.89%)	1,014 (14.18%)	571 (7.98%)	477 (6.67%)
21.	<b>Prior to/during deployment, FEMA informs personnel assigned to disaster response/recovery locations of how to report sexual misconduct.</b>	3,040 (42.93%)	1,867 (26.37%)	1,052 (14.86%)	629 (8.88%)	493 (6.96%)



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Department of Homeland Security

<b>Disaster Response Location</b>	
<b>22. While working at a disaster response/recovery location, I would most likely report sexual harassment or sexual misconduct to:</b>	<b>Number and Percent of Respondents</b>
Direct Supervisor	5,143 (73.26%)
Another Supervisor	1,194 (17.01%)
DHS OIG	987 (14.06%)
FEMA Tip Line/OCSSO	648 (9.23%)
FEMA OCCHCO	490 (6.98%)
FEMA OER	2,610 (37.18%)
FEMA Office Special Counsel	300 (4.27%)
Do Not Know	473 (6.74%)
Would Not Report	273 (3.89%)
Other	240 (3.42%)

<b>Disaster Response Location</b>	
<b>23. Since 2012, while working at a FEMA disaster response/recovery location, have you <u>experienced</u> any of the following behaviors?</b>	<b>Number and Percent of Respondents</b>
Insulting remarks of a sexual nature, to include jokes or sexual humor	1,082 (15.52%)
Unwanted sexual advances or invitations to include unwanted touching, crowding, or leaning	643 (9.22%)
Unwanted sexual texts or email communication	183 (2.63%)
Promise of reward, preferential treatment, or coercion for sexual activity or behavior	73 (1.05%)
Threats of punishment for not engaging in sexual activity	38 (0.55%)
Sexual assault or attempted sexual assault, including rape	29 (0.42%)
Indecent Exposure	53 (0.76%)
Prefer not to answer	229 (3.29%)
I have not experienced any of the listed or other unlisted behaviors associated with sexual harassment/sexual misconduct.	5,389 (77.31%)
Other sexual harassment and/or sexual misconduct related behavior not listed	229 (3.29%)



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Department of Homeland Security

*\*Employees could select more than one response. Twenty percent (1,395) of respondents chose at least one response related to a sexual harassment/sexual misconduct behavior.*

Respondents who experienced any of the behaviors listed in Question 23 were directed to Question 24; if they did not, they were directed to Question 27.

Disaster Response Location			
		Yes	No
<b>24.</b>	<b>If you <i>experienced</i> any of the previously described behaviors, did you report it?</b>	408 (25.45%)	1,195 (74.55%)

Respondents who answered Yes to Question 24 were directed to Question 26.  
Respondents who answered No to Question 24 were directed to Question 25.

Disaster Response Location	
<b>25. If you responded "No" to Question 23, please indicate your reason for not reporting the behavior(s).</b>	<b>Number and Percent of Respondents</b>
Someone else reported the behavior	55 (4.65%)
I was afraid of reprisal or retaliation for reporting the behavior	317 (26.82%)
I do not believe management is supportive of employees reporting that type of behavior	342 (28.93%)
The behavior took place off-duty	137 (11.59%)
I did not feel the behavior was serious enough to warrant reporting	426 (36.04%)
I was unfamiliar with the process for reporting the behavior	106 (8.97%)
I did not believe the employee would be investigated even if reported	317 (26.82%)
I did not want to cause an adverse action against a co-worker	210 (17.77%)
I did not want to get involved	177 (14.97%)
Management was already aware of this behavior	149 (12.61%)
Other	185 (15.65%)

Disaster Response Location	
<b>26. If you responded "Yes" to Question 23, to whom did you first report the behavior you experienced?</b>	<b>Number and Percent of Respondents</b>
Direct Supervisor	199 (48.89%)
Another Supervisor	64 (15.72%)
DHS OIG	5 (1.23%)



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Department of Homeland Security

FEMA Tip Line/OCSO	2 (0.49%)
FEMA OCCHCO	4 (0.98%)
FEMA OER	60 (14.74%)
FEMA Office Special Counsel	5 (1.23%)
Do Not Know	4 (0.98%)
Other	40 (9.83%)
No Answer	24 (5.90%)

Disaster Response Location	
<b>27. Since 2012, while working at a FEMA disaster response/recovery location, have you <i>witnessed</i> any of the following behaviors?</b>	<b>Number and Percent of Respondents</b>
Insulting remarks of a sexual nature, to include jokes or sexual humor	1,276 (18.46%)
Unwanted sexual advances or invitations to include unwanted touching, crowding, or leaning	679 (9.82%)
Unwanted sexual texts or email communication	261 (3.78%)
Promise of reward, preferential treatment, or coercion for sexual activity or behavior	158 (2.29%)
Threats of punishment for not engaging in sexual activity	38 (0.55%)
Sexual assault or attempted sexual assault, including rape	17 (0.25%)
Indecent Exposure	54 (0.78%)
Prefer not to answer	235 (3.40%)
I have not witnessed any of the listed or other unlisted behaviors associated with sexual harassment/sexual misconduct.	5,175 (74.87%)
Other sexual harassment and/or sexual misconduct related behavior not listed	146 (2.11%)

*\*Employees could select more than one response. Thirty-three percent (2,629) of respondents chose at least one response related to a sexual harassment/sexual misconduct behavior.*

Respondents who witnessed any of the behaviors listed in Question 27 were directed to Question 28; if they did not, they were directed to Question 31.

Disaster Response Location			
		<b>Yes</b>	<b>No</b>
<b>28.</b>	<b>If you <i>witnessed</i> any of the previously described behaviors, did you report it?</b>	446 (26.60%)	1,286 (73.40%)



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Respondents who answered Yes to Question 28 were directed to Question 30.  
 Respondents who answered No to Question 28 were directed to Question 29.

Disaster Response Location	
29. If you responded "No" to Question 27, please indicate your reason for not reporting the behavior(s).	Number and Percent of Respondents
Someone else reported the behavior	204 (15.96%)
I was afraid of reprisal or retaliation for reporting the behavior	309 (24.18%)
I do not believe management is supportive of employees reporting that type of behavior	372 (29.11%)
The behavior took place off-duty	114 (8.92%)
I did not feel the behavior was serious enough to warrant reporting	309 (24.18%)
I was unfamiliar with the process for reporting the behavior	99 (7.75%)
I did not believe the employee would be investigated even if reported	311 (24.33%)
I did not want to cause an adverse action against a co-worker	171 (13.38%)
I did not want to get involved	251 (19.64%)
Other	201 (15.73%)

Disaster Response Location	
30. If you responded "Yes" to Question 27, to whom did you first report the behavior you experienced?	Number and Percent of Respondents
Direct Supervisor	219 (47.20%)
Another Supervisor	73 (15.73%)
DHS OIG	7 (1.51%)
FEMA Tip Line/OCSO	3 (0.65%)
FEMA OCCHCO	3 (0.65%)
FEMA OER	73 (15.73%)
FEMA Office of Special Counsel	2 (0.43%)
Do Not Know	9 (1.94%)
Other	49 (10.56%)
No Answer	26 (5.60%)





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**Overall FEMA Responses**

For the following questions, we requested respondents consider only behaviors experienced or witnessed while employed by FEMA.

		<b>FEMA</b>				
		<b>Frequently</b>	<b>Sometimes</b>	<b>Rarely</b>	<b>Never</b>	<b>Do Not Know</b>
<b>31.</b>	<b>In your opinion, sexual harassment occurs within FEMA.</b>	981 (11.72%)	2,122 (25.35%)	1,825 (21.80%)	852 (10.18%)	2,591 (30.95%)
<b>32.</b>	<b>In your opinion, sexual misconduct occurs within FEMA.</b>	692 (8.29%)	1,667 (19.96%)	2,022 (24.21%)	1,090 (13.05%)	2,881 (34.49%)
<b>33.</b>	<b>In your opinion, sexual harassment occurs within your primary FEMA duty location.</b>	553 (6.63%)	1,298 (15.57%)	1,957 (23.47%)	1,769 (21.21%)	2,762 (33.12%)
<b>34.</b>	<b>In your opinion, sexual misconduct occurs within your primary FEMA duty location.</b>	445 (5.35%)	1,032 (12.41)	1,927 (23.18%)	1,961 (23.59%)	2,949 (35.47%)

		<b>FEMA</b>		
		<b>True</b>	<b>False</b>	<b>Do Not Know</b>
<b>35.</b>	<b>In your opinion, sexual harassment occurs more at FEMA disaster response/recovery locations than in your FEMA primary duty location.</b>	2,209 (26.63%)	697 (8.40%)	5,389 (64.97%)
<b>36.</b>	<b>In your opinion, sexual misconduct occurs more at FEMA disaster response/recovery locations than in your FEMA primary duty location.</b>	2,052 (24.79%)	668 (8.07%)	5,559 (67.15%)



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**Appendix D**  
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