

Jennifer Klein Chair White House Gender Policy Council

Hon. Rob Shriver Acting Director Office of Personnel Management

August 8, 2024

Dear Chair Klein and Acting Director Shriver:

This Administration has taken historic steps to curb sexual misconduct<sup>1</sup> in many American institutions. Nevertheless, sexual misconduct remains a systemic problem across Federal workplaces. Too many agencies continue to underestimate the scale and significance of the challenge and mishandle their responses.

The DOJ Gender Equality Network (DOJ GEN), an employee organization that advocates for gender equity and equality throughout the federal government,<sup>2</sup> urges the Administration to issue a new executive action requiring all agencies to have systems in place to properly respond to sexual misconduct. Many DOJ GEN members can personally attest to the profound harm that sexual misconduct causes individual victims. We have also seen how it degrades the integrity of Federal agencies and undermines their missions.

In 2021, the Department of Justice (DOJ) formed a steering committee that ultimately created a groundbreaking new response system for addressing sexual misconduct at DOJ. DOJ GEN pushed for that committee's formation,<sup>3</sup> and the undersigned DOJ GEN leaders then served

<sup>&</sup>lt;sup>1</sup> Sexual misconduct is an umbrella term that encompasses sexual harassment, sexual assault, and genderbased violence. *See*, *e.g.*, <u>https://www.justice.gov/crt/page/file/1581661/dl</u>. Sexual misconduct includes, but is not limited to, conduct that is prohibited under Title VII of the Civil Rights Act of 1964. <sup>2</sup> DOJ GEN, a nearly 2,000-member advocacy organization, was founded in 2016 to address the Justice Department's systemic sexual misconduct problem and DOJ's mishandling of it. We have also worked to eradicate pay inequities in the federal workforce, urged the Administration to provide abortion-related accommodations and comprehensive reproductive healthcare coverage, and lobbied Congress to pass paid family leave legislation. DOJ GEN is recognized by the Justice Department but does not speak on its behalf. The views expressed in this document are solely those of DOJ GEN and the signatories and do not necessarily reflect the views of the Department. You can learn more about us at <u>www.dojgen.org</u>. <sup>3</sup> *See* Zoe Tillman, *The Justice Department Is Revisiting Its Sexual Harassment Policies*, BUZZFEED NEWS (July 21, 2021), <u>https://www.buzzfeednews.com/article/zoetillman/justice-department-revisiting-sexual-harassment-policies</u>.

on it. We believe that every agency should similarly evaluate the systems they have in place and make comprehensive improvements when needed.

This letter explains why reform efforts at the agency level are necessary; suggests how the Administration can facilitate agency reforms though executive action; and recommends what those reforms should entail. Our nation's public servants—like all American workers—deserve to work in safe and respectful environments. We hope you will consider DOJ GEN's ideas for how the Administration can help make that happen.

# I. Defining the Problem

In the course of one week at the end of July 2024, news outlets covered serious allegations of sexual misconduct at the Drug Enforcement Administration (DEA),<sup>4</sup> and retaliation by the U.S. Attorney's Office in Alaska for the reporting of sexual misconduct.<sup>5</sup> These stories followed investigative reporting that uncovered a workplace rife with sexual misconduct and misogyny at the Federal Deposit Insurance Corporation (FDIC); the scandal that ensued has caused immeasurable damage to the institution created to instill trust in America's banking system, and led to the Chair's promise to resign.<sup>6</sup>

These are just some of the latest in a long string of exposures of sexual misconduct in federal agencies. The Department of the Interior's Office of the Inspector General discovered widespread sexual misconduct in various components, consistent with high-profile news reports<sup>7</sup> and a 2017 employee survey.<sup>8</sup> The Associated Press revealed rampant sexual harassment and

<sup>6</sup> Rebecca Ballhaus, *Strip Clubs, Lewd Photos and a Boozy Hotel: The Toxic Atmosphere at Bank Regulator FDIC*, WALL STREET JOURNAL (Nov. 13, 2023), <u>https://www.wsj.com/us-news/fdic-toxic-atmosphere-strip-clubs-lewd-photos-boozy-hotel-12c89da7?mod=article\_inline</u>; Rebecca Ballhaus & Andrew Ackerman, *FDIC Chairman Martin Gruenberg to Resign Following Report Detailing Sexual Harassment at Agency*, WALL STREET JOURNAL (May 20, 2024),

<sup>&</sup>lt;sup>4</sup> Jim Mustian & Joshua Goodman, Secret DEA files show agents joked about rape in a WhatsApp chat. Then one of them was accused of it, ASSOCIATED PRESS (July 25, 2024),

https://apnews.com/article/drugs-dea-rape-corruption-fentanyl-opioids-trafficking-649db430c4953a083a7af33ec34b9781.

<sup>&</sup>lt;sup>5</sup> Jacqueline Thomsen & Benjamin Penn, *Alaska Judge's Clerk Alleges Retaliation by US Attorney Office*, BLOOMBERG LAW (July 31, 2024), <u>https://news.bloomberglaw.com/ip-law/alaska-judges-clerk-alleges-retaliation-by-us-attorney-office</u>.

https://www.wsj.com/politics/policy/fdic-chairman-martin-gruenberg-resignation-ab7fed5f.

<sup>&</sup>lt;sup>7</sup> See, e.g., Lindsey Gilpin, *The National Park Service Has a Big Sexual Harassment Problem*, THE ATLANTIC (Dec. 16, 2015), <u>https://www.theatlantic.com/science/archive/2016/12/park-service-</u>

harassment/510680/; William Brangham, U.S. Forest Service chief under investigation after complaints of sexual misconduct, PBS (Mar. 2, 2018), https://www.pbs.org/newshour/show/u-s-forest-service-chiefunder-investigation-after-complaints-of-sexual-misconduct; Anna V. Smith, Harassment pervades the Bureau of Indian Affairs, HIGH COUNTRY NEWS (Mar. 13, 2018), https://www.hcn.org/issues/50-6/tribalaffairs-harassment-pervades-interiors-bureau-of-indian-affairs/.

<sup>&</sup>lt;sup>8</sup> Emily Cochrane, *Thousands of Interior Dept. Employees Report Harassment and Intimidation at Work*, N.Y. TIMES (Dec. 14, 2017), <u>https://www.nytimes.com/2017/12/14/us/politics/interior-department-harassment-zinke.html</u>.

assault at National Science Foundation locations, where 59% of women at one worksite experienced harassment or assault.<sup>9</sup> News reporting of mishandled sexual misconduct complaints at the Department of Homeland Security has been extensive;<sup>10</sup> hundreds of women signed an open letter in 2018 calling attention to rampant sexual misconduct in various national security agencies;<sup>11</sup> and years of media stories have exposed acute problems in components across the Department of Justice.<sup>12</sup> The list could go on.

Some agencies have taken the right steps in response to outside pressure. The National Oceanic and Atmospheric Administration (NOAA) and the Peace Corps revamped their sexual

https://www.sfchronicle.com/politics/article/Sexually-inappropriate-behavior-runs-rife-in-15889003.php; Zoe Tillman, *They Allowed It: A Justice Department Employee Said She Was Raped By A Senior Official. New Documents Show A Pattern Of Harassment At The Department*, BUZZFEED NEWS (Nov. 5, 2019), https://www.buzzfeednews.com/article/zoetillman/justice-department-metoo-sexual-harassment-assaultaponte; Caitlin Dickerson, *Hazing, Humiliation, Terror: Working While Female in Federal Prison*, N.Y. TIMES (Nov. 17, 2018), https://www.nytimes.com/2018/11/17/us/prison-sexual-harassment-women.html; Katie Benner, *At the Justice Dept.'s Death Penalty Unit, Accusations of Favoritism, Gender Bias and Unwanted Groping*, N.Y. Times (Mar. 31, 2018), https://www.nytimes.com/2018/03/31/us/politics/justicedepartment-harassment-bias.html; Jessica Schneider, *ATF agent alleges retaliation for exposing sexual harassment at Justice Department*, CNN (Jan. 23, 2018), https://www.cnn.com/2018/01/22/politics/atfagent-sexual-harassment-lawsuit/index.html; Sari Horwitz, *Inspector General says mishandling of sexual harassment complaints at Justice Department is a 'systemic' problem*, WASH POST (Dec. 26, 2017), https://www.washingtonpost.com/world/national-security/inspector-general-says-mishandling-of-sexualharassment-complaints-at-justice-department-is-a-systemic-problem/2017/12/26/ed51abf6-dc35-11e7b1a8-62589434a581 story.html.

<sup>&</sup>lt;sup>9</sup> Nick Perry, *Women working in Antarctica say they were left to fend for themselves against sexual harassers*, ASSOCIATED PRESS (Aug. 27, 2023), <u>https://apnews.com/article/women-working-antarctica-sexual-harassment-assault-mcmurdo-ba0e550fddf1ab0afd031ff4d25143cb#</u>.

<sup>&</sup>lt;sup>10</sup> See, e.g., Maria Sachetti, *Federal agent accuses DHS of failing to protect her from sexual misconduct*, Wash Post (Mar. 12, 2024), <u>https://www.washingtonpost.com/immigration/2024/03/10/homeland-</u>

security-sexual-misconduct-accusation/; Dan Lamothe, *Coast Guard reckons with years-long coverup of sexual abuse*, WASH POST (Dec. 6, 2023), <u>https://www.washingtonpost.com/national-</u>

security/2023/12/06/coast-guard-sexual-assault/; Maria Sachetti & Nick Miroff, *Border agents who made violent, lewd Facebook posts faced flawed disciplinary process at CBP, House investigation finds*, WASH POST (Oct. 25, 2021), <u>https://www.washingtonpost.com/immigration/facebook-border-agents-house-investigation/2021/10/25/b0d4f60c-3518-11ec-8be3-e14aaacfa8ac\_story.html</u>.

<sup>&</sup>lt;sup>11</sup> <u>https://www.scribd.com/document/365758768/Metoonatsec-Open-Letter-on-Sexual-Harassment-in-National-</u>

Security?irgwc=1&content=10079&campaign=Skimbit%2C%20Ltd.&ad\_group=58287X1517246X8230 d31fa8517addc9894de84ceea358&keyword=ft750noi&source=impactradi (Nov. 28, 2017) (noting that national security agencies' sexual misconduct policies are "weak, under enforced, and can favor perpetrators").

<sup>&</sup>lt;sup>12</sup> See, e.g., Eric Tucker & Jim Mustian, *Whistleblower: 665 left FBI over misconduct in two decades*, ASSOCIATED PRESS (Oct. 6, 2022), <u>https://apnews.com/article/business-personnel-sexual-misconduct-chuck-grassley-merrick-garland-9ca9ea18036814bdf12e8c62a20e08d9</u>; Jim Mustian, 'Under the Rug': Sexual Misconduct Shakes FBI's Senior Ranks, ASSOCIATED PRESS (Dec. 10, 2020),

https://apnews.com/article/fbi-sexual-misconduct-investigation-a0d33e4770acef8ff5f4a48f0267202c; Tal Kopan, Bad conduct, leering 'jokes'—immigration judges stay on bench: U.S. Justice Department lacks strong harassment oversight for judges, SAN FRANCISCO CHRONICLE (Jan. 22, 2020),

misconduct response systems in compliance with congressional mandates.<sup>13</sup> USAID stood up the Action Alliance for Preventing Sexual Misconduct after sexual abuse scandals involving international aid groups like Oxfam and reports that USAID failed to safeguard its own staff.<sup>14</sup> And after DOJ GEN's insistence, the Justice Department created a steering committee that recommended a Department-wide overhaul of its response systems and the creation of a centralized Sexual Misconduct Response Unit, which the Deputy Attorney General implemented in 2023.

But it should not take media exposés, congressional mandates, or employee advocacy to instigate agency action. A recent report by the U.S. Merit Systems Protection Board (MSPB) on sexual misconduct in the federal workforce brought into sharp focus how persistent and prevalent sexual misconduct is *across* agencies: *Approximately 21% of women and 9% of men surveyed had experienced sexual misconduct while working in the federal government within the previous two years.*<sup>15</sup>

The problem is systemic and stubborn, but not intractable. Every agency should take steps to counteract sexual misconduct *before* Congress or a media firestorm forces its hand.

# II. Rooting Out Misconduct by Reforming Response Systems

Federal law prohibits sexual harassment as unlawful employment discrimination based on sex,<sup>16</sup> and the Equal Employment Opportunity Commission (EEOC) requires federal agencies to implement measures to stop and prevent workplace harassment generally through their equal employment opportunity (EEO) programs.<sup>17</sup> But no EEO law or EEOC guidance defines the specific steps necessary to ensure that sexual misconduct response systems are adequate, and history has shown that EEO-based efforts alone are insufficient. And although the Administration issued an Executive Order in 2021 advising agency heads to develop a "comprehensive framework to address workplace harassment, including sexual harassment,"<sup>18</sup> it did not mandate specific steps that agencies must take to create such a framework, and few if any agencies have made meaningful reforms since then.

<sup>&</sup>lt;sup>13</sup> The National Defense Authorization Act for Fiscal Year 2017 required reforms at NOAA, and The Kate Puzey Volunteer Act of 2011, 22 U.S.C. § 2507, mandated new procedures for responding to sexual misconduct at the Peace Corps.

<sup>&</sup>lt;sup>14</sup> See Congressional Research Service, The U.S. Agency for International Development's New Policies on Sexual Exploitation and Abuse by Aid Workers (Jan. 24, 2020),

https://crsreports.congress.gov/product/pdf/IF/IF11417/3.

<sup>&</sup>lt;sup>15</sup> MSPB, *Sexual Harassment in Federal Workplaces* (June 2023), <u>https://www.mspb.gov/studies/researchbriefs/Sexual\_Harassment\_in\_Federal\_Workplaces\_2021\_Update</u> 2039216.pdf.

<sup>&</sup>lt;sup>16</sup> See Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.

<sup>&</sup>lt;sup>17</sup> See Equal Employment Opportunity Management Directive 715, <u>https://www.eeoc.gov/federal-sector/management-directive/instructions-federal-agencies-eeo-md-715</u>.

<sup>&</sup>lt;sup>18</sup> Executive Order 14035 (Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce), Sec. 3(b)(iii), <u>https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/</u>.

This Administration should impose strict and specific compliance standards by taking a more targeted approach. Through a mechanism such as an Executive Order or an OPM regulation, the Administration can require agencies to thoroughly evaluate the systems they have in place, assess whether they meet the standards discussed below in Section III, and report their findings within an established timeframe to OPM and the White House. Agencies can then work with the White House Gender Policy Council and OPM on a plan to modify or overhaul their response systems as appropriate. (If the appetite for issuing a mandate at this time is lacking, the Administration should consider promulgating a comprehensive guidance strongly urging agency action.)

To successfully implement such an approach, OPM should assign, detail, or hire staff to coordinate and track agencies' efforts, and help shepherd them through the process. As the largest employer in the nation with 2.2 million civil servants, the federal government would do well to dedicate a staff—even if just a small one—to manage such a critical endeavor.

There is no question that overhauling response systems can be an intensive undertaking, and doing it properly requires significant time and resources. Successful systems can take years to develop and stand up, and may require additional personnel. But effectively responding to sexual misconduct should be viewed as an imperative to protect federal employees' health and safety, and to maintain the public's trust in our national institutions. The Administration should initiate the process now.

Fortunately, agencies that revamp their systems do not need to reinvent the wheel. Agencies such as DOJ, NOAA, USAID, and the Peace Corps have sexual misconduct response systems that operate separately from EEO offices and can serve as models. There are widely accepted best practices and valuable federal resources, including guidance and reports that analyze the problem and propose solutions.<sup>19</sup> There are also leaders in the fields of gender-based violence, victim advocacy, sexual harassment law, and law enforcement within the federal government (including many at DOJ) who can help design an administrative mandate and assist agencies in fulfilling it.

https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace (EEOC, Enforcement Guidance); EEOC, Promising Practices for Preventing Harassment in the Federal Sector (Apr. 2023), https://www.eeoc.gov/federal-sector/reports/promising-practices-preventing-harassment-federal-sector (EEOC, Promising Practices); Independent Review Commission on Sexual Assault in the Military, Hard Truths and the Duty to Change: Recommendations from the Independent Review Commission on Sexual Assault in the Military (2021), https://media.defense.gov/2021/Jul/02/2002755437/-1/-1/0/IRC-FULL-REPORT-FINAL-1923-7-1-21.PDF (IRC Recommendations Report); U.S. Commission on Civil Rights, Federal #MeToo: Examining Sexual Harassment in

<sup>&</sup>lt;sup>19</sup> See, e.g., MSPB, Sexual Harassment in Federal Workplaces, supra n.15; EEOC, Enforcement Guidance on Harassment in the Workplace (Apr. 2024),

*Government Workplaces* (Apr. 2020), <u>https://www.usccr.gov/files/pubs/2020/04-01-Federal-Me-Too.pdf;</u> Committee on Oversight and Government Reform, U.S. House of Representatives, 115th Cong., *Tables of Penalties: Examining Sexual Misconduct in the Federal Workplace and Lax Federal Responses* (Oct. 19, 2017), <u>https://oversight.house.gov/wp-content/uploads/2017/10/Tables-of-Penalties-FINAL2.01.pdf</u> (Oversight Committee, *Penalty Tables*).

## **III.** Pillars for Addressing Sexual Misconduct in Federal Workplaces

There is no one-size-fits-all model for effectively responding to allegations of sexual misconduct. Agencies should customize their approach to fit their institutional particularities, considering variables such as the size and composition of their workforce, the location of work, the leadership structure, and the ways in which misconduct has manifested itself in the past. But there are widely accepted foundational principles to which every agency should adhere, and certain features that every response system should include.<sup>20</sup>

# A. Foundational Principles

- 1. Agency response systems should be survivor-centered and trauma-informed. Protecting workers' safety and health should be every employer's top priority, and agencies will reduce their liability when they view it as such.<sup>21</sup> That requires those participating in response systems at every level—from creating safety plans, to receiving and investigating complaints, to providing survivors with support—to receive the training necessary to apply a trauma-informed approach.<sup>22</sup>
- 2. Sexual misconduct exists on a continuum of harm. All forms of sexual misconduct, regardless of how minor they may seem, carry the potential to harm an employee's wellbeing and career.<sup>23</sup> Moreover, sexual harassment can contribute to the risk of sexual assault in the workplace: Research into sexual misconduct in the military showed that one in three Servicemembers who were the victims of sexual assault initially experienced sexual harassment by the assailant.<sup>24</sup>
- **3.** *Intersectional approach.* Members of marginalized communities are often disproportionately affected by sexual misconduct. Women, people of color, LGBTQ+ individuals, and others may also suffer harms in additional ways, *i.e.*, "the harassment based on the intersection of two or more protected characteristic [] may, in fact, compound the harm."<sup>25</sup> Any response that does not recognize and address this will fall short.

<sup>&</sup>lt;sup>20</sup> See generally Chai R. Feldblum & Victoria A. Lipnic, *Report of the Co-Chairs of the Select Task Force on the Study of Harassment in the Workplace*, EEOC (June 2016), <u>https://www.eeoc.gov/select-task-force-study-harassment-workplace</u> (laying out best practices for preventing harassment in the workplace) (Feldblum & Lipnic, EEOC Select Task Force); EEOC, *Promising Practices, supra* n.19.

<sup>&</sup>lt;sup>21</sup> See MSPB, Sexual Harassment in Federal Workplaces, p. 23, supra n.15 (Agency costs required to manage and resolve complaints of sexual misconduct "can increase exponentially when misconduct is not properly or promptly addressed").

<sup>&</sup>lt;sup>22</sup> See EEOC, Promising Practices, supra n.19.

<sup>&</sup>lt;sup>23</sup> See, e.g., IRC Recommendations Report, *supra* n.19.

<sup>&</sup>lt;sup>24</sup> RAND Corporation, *Improving Oversight and Coordination of Department of Defense Programs That Address Problematic Behaviors among Military Personnel* (2017), https://www.rand.org/pubs/research\_reports/RR1352.html.

<sup>&</sup>lt;sup>25</sup> EEOC, Enforcement Guidance, supra n.19.

- 4. *Leadership must play an active and public role.* Agency leadership and management at all levels should be committed to finding solutions. This should include ensuring that workplace cultures are healthy and remain free of discrimination, which allows sexual misconduct to flourish.<sup>26</sup>
- **5.** *Transparency.* Employees will not have the confidence necessary to report sexual misconduct unless they believe their agency cares about their wellbeing and will protect them. Just as the U.S. military does,<sup>27</sup> agencies can and should provide these assurances by publicizing aggregate, annual data on how they responded to reports of sexual misconduct in their workforce, including the number of reports received, safety plans implemented, and investigations initiated.

### B. Minimum Elements of Effective Response Systems

Numerous agencies—including DOJ, NOAA, USAID, and the Peace Corps—have created a centralized sexual misconduct unit that is responsible for executing a comprehensive policy, managing complaints, conducting or overseeing investigations, ensuring consistent discipline, and providing victim support. We believe that a centralized, staffed unit is the optimal approach; in fact, the White House itself would send a strong message to agencies and the rest of the nation by creating its own such unit. But if complete centralization is not feasible, agencies should ensure that their response systems include the following features as a baseline:

- An agency-wide sexual misconduct policy. Every agency should establish a comprehensive, agency-wide policy that is easily accessible and regularly circulated. At a minimum, it should contain a clear definition of sexual misconduct, including examples of proscribed conduct and the associated discipline.<sup>28</sup>
- 2. *Regular climate surveys.* Climate surveys, which measure employees' perceptions of an organization, help institutions understand the scope and dimensions of problems while engendering employee trust.<sup>29</sup> They should be anonymous and confidential and solicit demographic data, and the results should be shared publicly. They should also gauge awareness of what conduct is banned and how to report it, and seek employees' accounts of experiencing or witnessing it.<sup>30</sup>

<sup>30</sup> See, e.g., Feldblum & Lipnic, EEOC Select Task Force, *supra* n.20; Department of the Interior Work Environment Survey on Sexual Harassment (December 2017), https://www.doi.gov/sites/doi.gov/files/uploads/doi wes graphical overview.pdf.

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 <sup>&</sup>lt;sup>26</sup> See EEOC, Promising Practices, supra n.19; Feldblum & Lipnic, EEOC Select Task Force, supra n.20.
<sup>27</sup> See, e.g., Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2023 https://www.sapr.mil/sites/default/files/public/docs/reports/AR/FY23/FY23 Annual Report.pdf.

<sup>&</sup>lt;sup>28</sup> See, e.g., EEOC, Promising Practices, supra n.19; Feldblum & Lipnic, EEOC Select Task Force, supra n.20.

<sup>&</sup>lt;sup>29</sup> Questions included in the Federal Employee Viewpoint Survey are too general to assess the problems at specific agencies and cannot substitute the granular data a climate survey generates.

- **3.** *A centralized reporting system.* Employees should have an accessible and centralized mechanism that allows for confidential reporting, such as an online portal or a helpline, that does not require them to go through their chain of command. Requiring employees to report up the chain risks retaliation and discourages employees from coming forward, especially when the offender is their manager.<sup>31</sup>
- **4.** *A roadmap for instituting safety plans.* After learning about alleged sexual misconduct, agencies should immediately explore whether to institute a safety plan: a survivor-led tool that lays out actions to reduce risk to specific individuals and the overall workplace.<sup>32</sup>
- **5.** *Centralized and timely investigations by properly trained investigators.* Those who investigate sexual misconduct should be outside the parties' chain of command and properly trained in how to conduct fair, effective, and trauma-informed investigations.<sup>33</sup>
- 6. *A uniform and consistent system for administering discipline*. Disciplinary action, when appropriate, should be consistent, fair, commensurate with the seriousness of the offense, and administered by individuals outside the offender's chain of command. A table of penalties with narrow penalty ranges can help avoid disparate treatment and inadequate discipline.<sup>34</sup> The policy should also establish that a finding of sexual misconduct will be included in performance evaluations and prohibit the receipt of awards.<sup>35</sup>
- 7. *A ban on transfers as punishment.* This far-too-common practice in federal agencies telegraphs a permissive attitude toward misconduct and exposes new employees to potential harm. Additionally, agencies should never relocate the complainant or victim unless they request a transfer.
- 8. *A centralized method for tracking allegations, investigations, and discipline.* Assessing whether policies are working and where gaps exist requires agencies to comprehensively track and monitor information about allegations, investigations, and discipline. This data should be regularly assessed by agency leaders and OPM so they can evaluate the effectiveness of processes and make any necessary modifications. Tracking can also promote employee safety by ensuring that offenders do not fall off the radar.<sup>36</sup>

<sup>35</sup> Id.

<sup>&</sup>lt;sup>31</sup> See, e.g., EEOC, Promising Practices, supra n.19.

<sup>&</sup>lt;sup>32</sup> See Futures Without Violence, *DVAM: The Principles of Safety Planning for the Workplace* (Oct. 4, 2022), <u>https://www.futureswithoutviolence.org/dvam-principles-safety-planning-workplace/</u>.

<sup>&</sup>lt;sup>33</sup> See, e.g., EEOC, Promising Practice, supra n.19.

<sup>&</sup>lt;sup>34</sup> See, e.g., Oversight Committee, Penalty Tables, supra n.19.

<sup>&</sup>lt;sup>36</sup> See, e.g., EEOC, Promising Practices, supra n.19.

- **9.** *Training supported by best practices.* Addressing sexual misconduct should include training, ideally in person, for non-managerial staff on how to identify and report sexual misconduct, and for managers on their responsibilities in preventing, reporting, and responding to allegations. It should be customized based on regional considerations and the composition of workforces.<sup>37</sup>
- **10.** *Robust victim support services.* Providing those affected by sexual misconduct with access to internal and external support is paramount to ensuring their health and safety. Agencies can offer employees a range of services, including a helpline that can provide crisis intervention and emotional support. They can also facilitate connections to law enforcement, Employee Assistance Program services, mental health providers, and financial and housing assistance programs.<sup>38</sup> And they can designate victim navigators who can shepherd employees through the process.

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DOJ GEN and its members are eager to share with the Administration our expertise in helping institutions properly respond to sexual misconduct. Thank you for your consideration, and please let us know if you would be amenable to a meeting. You can reach us at <u>dojgenderequalitynetwork@gmail.com</u>.

Respectfully, on behalf of the DOJ Gender Equality Network,

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Stacey Young

Colleen Phillips

Co-chairs, DOJ GEN Sexual Misconduct Working Group

<sup>&</sup>lt;sup>37</sup> Id.

<sup>&</sup>lt;sup>38</sup> See, e.g., IRC Recommendations Report, supra n.19.