



OIG HIGHLIGHTS

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What OIG Inspected

OIG inspected the Office of Civil Rights in Washington D.C. during October 2–November 7, 2014.

What OIG Recommends

OIG made five recommendations to the Office of Civil Rights intended to improve its operations and programs. Most addressed personnel issues, which included the need to adjust resources to match workload and reevaluate the grade levels of several positions in comparison to positions elsewhere in the Department. The director also must issue overdue performance evaluations. Given a sharp rise in harassment cases since 2011, OIG recommended mandatory antiharassment training for employees Departmentwide.

June 2015
OFFICE OF INSPECTIONS
Domestic Operations and Special Projects

Inspection of the Office of Civil Rights

What OIG Found

- The Office of Civil Rights has improved the quality and increased the quantity of its work in recent years, enabling it to fulfill its mandate of propagating fairness, equity, and inclusion.
- The internal operations of the office would benefit from a rebalancing of workload, a reassessment of position grades, and completion of delinquent performance evaluations.
- A significant increase in reported harassment inquiries in the Department of State over the past few fiscal years supports the need for mandatory harassment training for Department of State employees.
- Shortcomings exist in the Equal Employment Opportunity Counselor program, but the Office of Civil Rights is taking steps to address them.



OIG

Office of Inspector General

U.S. Department of State • Broadcasting Board of Governors

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Office of Inspections

June 2015

Inspection of The Office of Civil Rights

DOMESTIC OPERATIONS AND SPECIAL REPORTS

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KEY FINDINGS

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- The internal operations of the office would benefit from a rebalancing of workload, a reassessment of position grades, and completion of delinquent performance evaluations.
- A significant increase in reported harassment inquiries in the Department of State over the past few fiscal years supports the need for mandatory harassment training for Department of State employees.
- Shortcomings exist in the Equal Employment Opportunity Counselor program, but the Office of Civil Rights is taking steps to address them.

CONTEXT

The U.S. Department of State's (Department) Office of Civil Rights (S/OCR) is charged with propagating fairness, equity, and inclusion throughout the Department's workforce. S/OCR answers to the Equal Employment Opportunity Commission (EEOC) and is charged with ensuring a nondiscriminatory workplace environment, investigating Equal Employment Opportunity (EEO) complaints and harassment inquiries, and working with the Bureau of Human Resources to implement federally mandated requirements in the Department's diversity and disability hiring process. S/OCR is answerable to the EEOC, Congress, and other executive branch agencies in reporting on the Department's standing in complaint and diversity statistics and recruitment planning.

Because civil rights have Departmentwide implications, the Office of Inspector General (OIG) team conducted two surveys in addition to personal questionnaires. The OIG team sent surveys to bureau executive directors and all domestic and overseas EEO counselors, generating opinions on S/OCR support and training. The OIG team also conducted a data search of OIG inspection reports to obtain EEO and harassment-related recommendations from the past 5 years.

A director, deputy director and associate director head S/OCR. The office comprises three sections and one team—the Intake and Resolution Section, the Legal Section, the Diversity Management and Outreach Section, and the Customer Service Team—and handles the alternative dispute resolution function. Twenty-five of the 29 authorized full-time positions are currently filled. The office manages a budget of \$1,121,000. S/OCR is 1 of 10 offices directly under the authority of the Secretary, who has delegated rating responsibility to the Under Secretary for Management. Major functions include managing harassment and EEO complaints, providing employee and supervisor assistance in diversity management, and conducting outreach and training. Currently, S/OCR maintains and trains more than 473 EEO counselors worldwide, who are the first point of contact between an aggrieved employee and the Department.

The harassment inquiry process and the EEO complaint process are governed by different policies and procedures. Therefore, different sections of S/OCR oversee each area. The Intake and Resolution Section processes EEO complaints, and the Legal Section conducts harassment inquiries.

EEO complaints can be either formal or informal and are first managed by an EEO counselor. The employee has 45 days to report an alleged discriminatory act to the EEO counselor. An attempt is made to find informal resolution at the employee/counselor level by either limited inquiry or party mediation. If this fails, a Notice of Right to File is issued and a formal complaint is initiated. If S/OCR accepts the claim, a report of investigation begins that can take 6 to 12 months. After receiving the report of investigation, the complainant can request a Final Agency Decision or elect an EEOC hearing with an administrative judge making a Final Agency Decision. The last course of action is the complainant filing an appeal to the Office of Federal Operations or EEOC

or filing civil action. The complainant has the option to request alternative dispute resolution during the first 90 days of an informal complaint and throughout the entire formal complaint process.¹ According to FY 2014 S/OCR data, 38 percent of formal complaints allege reprisal and sex discrimination as bases and 43 percent allege harassment, promotion/non-selection, and appointment/hire as issues.

In FY 2014, S/OCR data showed 332 informal complaints initiated, 130 formal complaints filed, and 218 formal complaints open at the end of the reporting period. From FY 2013 to FY 2014, S/OCR's timeliness for processing informal case closures increased by 8 percent. Settlements through alternate dispute resolution (ADR) and counseling increased by 4 percent over the time period, and cases where no formal complaint was filed increased by 11 percent.²

The Legal Section of six attorneys investigates all Department harassment allegations. Reporting of harassment is mandatory, and all allegations must be acted upon, even if no formal complaint is made. Unlike the EEO process, it has no time limit or strict procedure. Harassment allegations made through the EEO process are eventually passed to the Legal Section for investigation. Mediation can also be used as an ADR, if so elected by the complainant. Harassment cases have increased from 88 cases in FY 2011 to 248 in FY 2014. S/OCR attributes this increase to improved outreach. According to S/OCR, Department employees are more educated about harassment strictures and more knowledgeable about the reporting process than in the past.

The EEOC directs each Federal agency to develop a model EEO program. Agencies must consider and address concerns arising under both Title VII and Section 501 of the Rehabilitation Act. The EEOC has established six criteria for creating and maintaining an effective, efficient EEO program. This inspection report describes how S/OCR, in developing and implementing its EEO program, has incorporated the following six EEO model program principles: demonstrated commitment from agency leadership, integration of EEO into the agency's strategic mission, management and program accountability, proactive prevention of unlawful discrimination, efficiency, and responsiveness and legal compliance.

LEADERSHIP

S/OCR is responsible for fostering a work environment free of unlawful discrimination and for providing an avenue of redress for individuals who believe their civil rights have been violated. Senior Department officials, the interagency EEOC, and other stakeholders rated S/OCR as effective in fulfilling its mandate. Surveys sent to bureau executive directors and EEO counselors worldwide, inspection questionnaires, and a review of EEO issues raised in previous OIG reports over the past 5 years corroborated this positive assessment.

The director and deputy director have improved the performance of each function for which the office is responsible. Under their direction, S/OCR has improved the timeliness of processing

¹ 29 C.F.R. 1614 – Federal Sector EEO

² S/OCR data on Department of State EEO Complaints for FY 2014

informal complaints by 8 percent from FY 2013 to FY 2014; for formal complaints, timely Final Agency Decisions have increased 37 percent and timely investigations have increased by 8 percent from FY 2012 to FY 2014. In 2013, the office began using electronic tracking systems that expedite case management and production of required statistics and reports. The office maintained its outreach and training in the Department, its field offices, and overseas missions, making employees aware of EEO standards and remedies. From 2011 through 2014, S/OCR succeeded in resolving more EEO complaints through informal rather than formal means.³

Since 2008 when their joint tenure leading S/OCR began, the director and deputy director have turned around negative perceptions about the effectiveness of the office among their staff and throughout the Department. In personal questionnaires administered to S/OCR personnel by OIG in connection with the inspection, with an 86-percent response rate, the director's scores ranked within the average range of scores seen for assistant secretaries in domestic inspections conducted over the past 5 years in 10 of the 13 categories and higher-than-average in 3, including vision/goal setting, feedback, and interpersonal relations. Scores for the deputy director were similar.

Favorable views expressed by other Department employees on questionnaires and in interviews painted a picture of S/OCR functions and leadership that contrasted with such problems described in the 2006 OIG inspection report,⁴ including case-tracking inefficiencies, delays, and low morale. The S/OCR director attends the Secretary's staff meetings, meets with him once annually and more when necessary, and meets weekly one-on-one with the Under Secretary for Management. S/OCR maintains on its Web site EEO and anti-harassment policies signed by the Secretary.

S/OCR employees' scores on office morale recorded on OIG questionnaires were higher than average. Interviews revealed a team that works hard, willingly puts in long hours, and is enthusiastic about its work. The director conducts weekly mentoring sessions for interns and entry-level staff. Through regular meetings, the deputy director has reduced long-standing friction and increased collaboration between the office's two largest sections—Legal and Intake and Resolution.

Oversight of Personnel Problems

Leadership needs to address problems with workload allocation, the grade levels of positions, and evaluation of employee performance. Additional problems with efficiency and responsiveness in the front office are improving with the addition of a new employee but need continued attention. Inadequate oversight of front office operations has resulted in missed deadlines or last-minute scrambles to meet them. During the inspection, S/OCR established a tracking system for taskings from the Secretary, Congress, or elsewhere.

³ Data from 2011 through 2014 show an increase in informal complaints initiated (23 percent in FY 2014) and a decrease in formal complaints filed (14 percent in FY 2014).

⁴ The OIG Inspection Report on the Office of Civil Rights ISP-I-06-41

Personnel resources do not match workload across all sections. The increase in harassment cases has S/OCR's Legal Section working frequent long hours with no increase in staff. The Intake and Resolution and Diversity Management and Outreach Sections have no spare capacity but each possesses an unfilled position. An associate director position, created in 2012 for an employee returning after a detail to another agency, lacks sufficient workload to match the grade level and is unnecessary for an office of S/OCR's size. S/OCR has not sought additional personnel or significant other resources for several years through the Bureau Resource Request process.

During the inspection, S/OCR obtained informal agreement from the Under Secretary for Management for one more position for the Legal Section but has not formalized this action through the Bureau Resource Request or other means. It is incumbent on leadership to deploy resources where they are most needed. Several S/OCR staff members expressed discontent about leadership's failure to address the workload imbalance. An internal shift of positions and formalization of the request for additional personnel resources is needed, which includes updating the Bureau Resource Request submission.

Recommendation 1: The Office of Civil Rights should adjust personnel resources to match workload and formally seek additional personnel resources. (Action: S/OCR)

The OIG team found that some positions in S/OCR may not be properly graded, as established in 3 *Foreign Affairs Manual* (FAM) 2614f. These positions include the attorneys in the Legal Section, the chiefs of the Diversity Management and Oversight Section and the Intake and Resolution Section, and the Foreign Service officer in the Customer Service unit. Some employees expressed concern that their position descriptions and grades do not align with current job responsibilities nor provide growth opportunities. A few staff members in the Legal Section noted that their position grades were not comparable to positions in the Office of the Legal Adviser's Office of Employment Law (L/EMP). S/OCR is at risk of losing staff with institutional knowledge, thus potentially affecting the work of the office.

S/OCR management is aware of these matters but to date has not pursued any corrective steps. Position descriptions must be reviewed, and a position classification audit would support whether position upgrades or downgrades are needed.

Recommendation 2: The Office of Civil Rights, in coordination with the Bureau of Human Resources and the Executive Office of the Executive Secretariat, should formally review the position grades of the attorneys in the Legal Section, the chiefs of the Diversity Management and Outreach and the Intake and Resolution Sections, and the officer in the Customer Service unit. (Action: S/OCR, in coordination with DGHR and S/ES-EX)

S/OCR's director has not written performance evaluations on staff with performance issues in the past 2 years. It is difficult to maintain an efficient, productive office without confronting and guiding employees with performance issues and documenting this process carefully. A lack of documentation makes corrective personnel actions impossible. Per 3 FAH-1 H-280 and 3 FAH-1

H-2821.3, leadership should use the system in place in the Department, with its mandated tools of performance plans, counseling, and evaluation.

Recommendation 3: The Office of Civil Rights should complete delinquent performance evaluations. (Action: S/OCR)

POLICY AND PROGRAM IMPLEMENTATION

Intake and Resolution Section

A staff of 10 in the Intake and Resolution Section manages formal and informal EEO complaints and worldwide EEO counselor coordination. The staff also participates on training teams S/OCR sends to various posts and bureaus to conduct all-hands EEO training to all categories of employees and performs in-house discrimination investigations, although most are contracted out. S/OCR's emphasis on staff training enables the unit to meet regulatory training requirements as well as enhance career development. The Intake and Resolution Section works well as a team and uses cross-training effectively.

Since beginning work at S/OCR in 2013, the chief stated that he has instituted a number of measures to improve timeliness and efficiency of processes and products in the section. The team has also focused on standardizing procedures. As the EEO complaints process is deadline and time-driven, the Intake and Resolution Section staff collaborates closely with the Legal Section and Alternative Dispute Resolution mediators at critical points in the EEO complaint process. It is crucial that they work together and keep open lines of communication, which they have improved upon over the past several years, to meet mandated timeframes.

iComplaints Case Tracking System

The Intake and Resolution Section uses iComplaints, a case tracking system, to manage EEO complaint information at the both the informal and formal levels for case management and tracking regulatory timeframes. The system also generates data for mandated reporting on the Department's EEO complaints processing.⁵

Prior to the chief of the section's arrival in May 2013, S/OCR was not using iComplaints to its fullest potential nor maintaining complaint data consistently among the case managers. The OIG had recommended in the 2006 inspection that S/OCR review its case-tracking, report-compilation, and report-production processes and make adjustments to improve overall efficiency. S/OCR took actions to address these issues, for example, by consolidating informal

⁵ The Office of Federal Operations produces an Annual Report on the Federal Workforce that includes, among other data, information on federal equal employment opportunity complaints and ADR activities. These data are collected from each agency in the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462). Section 23 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ("No FEAR Act") requires agencies to report EEO complaints activity to the U.S. Congress.

and formal case processing responsibilities into one section—Intake and Resolution. Shortcomings with case-tracking continued to exist when the current chief arrived, however. He took corrective actions to address them, including working with the iComplaints contractor to revamp the system and conducting a top-to-bottom review of all cases to ensure required actions were up to date.

Following the review, the Intake and Resolution Section staff uploaded the data for the cases into iComplaints. In early 2014, the chief required the use of iComplaints and paper EEO complaint files were completely digitized. The result is a more efficient system for tracking cases, faster report generation, and removal of substantial paper files in the office. In addition, S/OCR's No Fear Act quarterly reporting for the Department is current, whereas in FY 2013 it was past due. S/OCR's goal is to continue to improve on these results.

EEO Counselor Program

The Intake and Resolution Section oversees the EEO counselor program, both domestically and overseas. Responsibilities of S/OCR's informal case managers include managing the nominating process, tracking the counselors' training requirements, providing initial EEO and refresher training, and responding to counselor requests for guidance. The EEO counselors play a major role in the effort to resolve issues before they become formal complaints. In 2013, the Intake and Resolution Section created two SharePoint sites, one with the roster of EEO counselors and LE staff EEO liaisons worldwide and their training needs. This site also makes available forms, training materials, and regulations, to which counselors and liaisons have easy access. The second SharePoint site is for direct case management and allows counselors to report to S/OCR all EEO contacts. Section staff uses it to make initial assignments and keep better track of informal EEO complaints. EEO counselors the OIG team surveyed were positive about usefulness of the sites.

The OIG team found three shortcomings with S/OCR's EEO counselor program: a shortfall in attendance at annual refresher training, an excessive span of control in managing the EEO counselors, and inadequate EEO counseling and training for LE staff members.

EEO Counselor Refresher Training

According to 3-FAM 1514.1. b. 4. c., EEO counselors are required to take 8 hours of training annually. S/OCR's FY 2014 data showed a 47-percent noncompliance rate. In comparison, the OIG team's survey of EEO counselors worldwide showed that 38 percent of the respondents had not received the mandated training within the required 12-month period. Further analysis showed, with the exception of the Bureau of African Affairs, that the distance of the post from Washington, DC, correlated to the delinquency in refresher training.

S/OCR currently offers EEO counselor training through the Foreign Service Institute, digital video conferencing, and travel by S/OCR personnel to regional training centers. Because it is physically impossible for S/OCR staff to provide the level of in-person training needed to meet the requirement, the office is seeking alternative methods to deliver EEO counselor refresher training. Among the solutions S/OCR proposes is an interactive, online distance learning course.

S/OCR is also discussing with the Foreign Service Institute development of an interactive, modular distance learning EEO refresher training course, with projected implementation in FY 2015. The OIG team endorses S/OCR's efforts to address these training issues.

Management of EEO Counselors Worldwide

Currently, three EEO specialists in the Intake and Resolution Section manage the EEO counselor program. The section projects an additional 49 new EEO counselors to be trained by the end of 2015, which would increase the total number to about 625. The staff noted that this is a high number of counselors for the three EEO specialists, particularly when their other primary duty is to manage the informal EEO cases, which average about 300 at any given time. The staff wants to do more counseling, training, and case management. Staff members have to be accountable if the counselors do not meet required time frames, and they must ensure that EEO regulations are complied with. The Intake and Resolution Section currently has a vacant EEO specialist position that it plans to use to consolidate EEO counselor management functions, such as the nominating process and tracking EEO Counselor training requirements, in addition to informal case manager duties. Efforts were underway during the inspection to fill the position, which has been vacant for 6 months.

The Intake and Resolution Section is seeking other ways to improve management of EEO counselors worldwide. One initiative under discussion is to develop criteria that would result in trimming the total list of counselors needed to address the span of control for managing the counselors as well as refresher training requirements. Currently, no clear criteria exist for removing counselors. The OIG team endorses the Intake and Resolution Section's intent to improve the EEO counselor nominating process, provide experienced EEO counselors with up-to-date training requirements, and trim those EEO counselors who do not appear to be committed to the function. The OIG team also endorses the section's plan to ask overseas posts to review the list of incoming officers and nominate as EEO counselors those with experience and up-to-date training.

EEO Liaisons for Locally Employed Staff Overseas

S/OCR has stepped up efforts to improve counseling and training for locally employed (LE) staff overseas. Providing EEO counseling to LE employees complies with Department policy in 3 FAM 1514.2 (a) and (d) rather than a regulatory mandate and is not included in S/OCR's external reporting requirements. Nevertheless, in 2013 S/OCR began tracking counseling for these employees; the initial intake is recorded in the EEO counselor SharePoint site. The Intake and Resolution Section is also in the process of revamping LE counselor training; for example, having post EEO counselors train the LE liaisons and improving written training materials for LE staff. S/OCR believes these efforts have increased awareness among LE staff members and led to an increase in the number of complaints from them, although these numbers are not available, since the section only recently began tracking them.

Legal Section

A staff of six attorneys manages and oversees the Department's Harassment Inquiry process, conducts investigations on EEO cases and harassment inquiries, writes memoranda providing the Department's decision for EEO cases, and performs legal reviews on all reports of investigations, including breaches of settlement and acceptance/dismissal cases. The Legal Section also provides briefings to domestic and overseas personnel on their rights and responsibilities under civil rights statutes and regulations.

The Legal Section has taken some positive steps in enhancing its processes. For example, the section developed standard operating procedures—notably, a policy informing personnel to retain documentation and records for official litigations, which was recognized as lacking in the Department. To establish procedures and templates for staff members, the Legal Section also developed manuals on conducting harassment inquiries and reports of investigation. The staff also worked with Executive Secretariat of Information Resource Management (S/ES-IRM) to create a SharePoint site to track all harassment inquiries in a more efficient manner.

Additionally, the Legal Section has made positive strides to provide action offices with sufficient information to take necessary action. This work includes revising FAM regulations to provide more clarity on the need for cooperation by Department employees. The inclusion of summary memoranda as part of S/OCR harassment inquiry case packages provides additional evidence and details from their investigations.

One matter expressed during this inspection, as well as a previous OIG inspection on the Department's disciplinary process,⁶ is the need for action offices to process cases sent for their action in a more timely manner. Although the steps taken by the Legal Section will assist the Department's harassment inquiry process, senior Department officials must emphasize the need for action offices to process cases in a timely manner and hold individuals accountable for their inappropriate actions.

Harassment Inquiry Process

A large portion of the Legal Section's portfolio is handling the Department's harassment inquiry process. Per 3 FAM 1525 and 3 FAM 1526, S/OCR is responsible for investigating or overseeing investigations of alleged harassment cases—a responsibility handled by the Legal Section. For each reported harassment allegation, a staff member conducts an assessment to determine if the incident warrants an inquiry, per 3 FAM 1525 or 3 FAM 1526. If so, an attorney from the Legal Section investigates each harassment allegation by speaking with all identified witnesses and alleged victims and notes their statements within written declarations. Case packages from S/OCR management with evidence attached are forwarded to the relevant action office for resolution. The action office could be a combination of the bureau executive office, post management, the Bureau of Human Resources, or the individual's employing entity, depending

⁶ *Review of the Department of State Disciplinary Process*, Report No. ISP-I-15-04, December 2014.

on whether the accuser is direct-hire, Civil Service, Foreign Service, contractor, or part of another Federal agency.

The Legal Section staff of six individuals handles all harassment inquiries in house. With the increasing level of reported inquiries, the staff has a full portfolio. In fact, the number of reported harassment inquiries has increased from 88 cases in FY 2011 to 248 in FY 2014. With a continuous increase in harassment inquiries each fiscal year, the current staff risks not being able to sustain current work performance levels. Management attention to staffing levels in the Legal Section is needed and is further discussed in the Leadership section of this report.

The Legal Section, with support from S/ES-IRM, developed a SharePoint site to help handle its increased workload. The SharePoint site tracks each inquiry case and allows S/OCR to track which harassment inquiries have been assigned to each attorney and whether the inquiry was reviewed as a potential violation of the FAM. The portion of the SharePoint site open to the public provides a standard form that could be used by Department employees to report a harassment inquiry. Additionally, the Legal Section developed an internal manual to aid existing and new staff members in conducting harassment investigations. The manual provides a flowchart on the harassment process, copies of relevant Department regulations, steps on how investigations should be conducted, sample templates for email correspondence and memoranda, and details on what should be included in each case package.

The Legal Section recognizes that more detailed information on its harassment investigations could benefit relevant action offices and has begun to include summary memoranda as part of case packages. The summary memorandum includes additional details that could assist action offices to make a determination of what action, if any, should be taken on each investigation case. Information includes details on demeanor and behavior of individuals, deleted statements in written declarations, and investigator notes. The inclusion of summary memoranda as part of the case package has received positive responses from L/EMP and the Bureau of Human Resource's Conduct, Stability, and Discipline Division (HR/ER/CSD).

In the 2014 OIG inspection report on the Department's disciplinary process, HR/ER/CSD stated that S/OCR reports of inquiry on harassment lacked specificity to allow HR/ER/CSD to prepare proposals for disciplinary measures. Department regulations do not state this as a requirement for S/OCR. During this inspection, S/OCR management and staff stated that their ability to remain a neutral provider of information benefits the Department when a harassment inquiry enters the informal/formal EEO processes, which are also handled by S/OCR staff. L/EMP and HR/ER/CSD told the OIG team that S/OCR should remain neutral with regard to harassment inquiries and stated that the need for their conclusions is not warranted.

A review of 30 harassment inquiries by the OIG team found the S/OCR process could be further improved. The SharePoint site and internal manual are well organized. Within each harassment inquiry report, details on which S/OCR attorney was assigned, whether the inquiry was investigated, and any relevant case notes are easily available. However, the OIG team found differences in how and when the Legal Section staff noted in the SharePoint site and case files

that a case was closed. No dates were provided on the harassment SharePoint site of when a case package was sent to an action office to assist with internal tracking. Further ensuring information on dates and timelines of incidents and followup on disagreeing statements would also benefit the process. Even though such provision is already part of the Legal Section's harassment processing guidelines, the sample cases did not include this information or make note of why it was not included. During the inspection, the chief of the Legal Section began taking corrective steps to address these needs for improvement.

Mandatory Harassment Training

Despite the increase in harassment inquiries, harassment training is not mandatory for Department employees. Employees either receive harassment training when their respective bureaus or posts host a harassment training session, or not at all. Reports of harassment inquiries have increased in the Department over the past few fiscal years, as shown by the increase of inquiries handled by the Legal Section. Further, the Legal Section provided more than 250 harassment training sessions during FY 2013, and it is already scheduled to provide training to various posts and offices.

The increase in reported harassment inquiries and requested training sessions supports the need for continuous education to Department personnel. Mandatory online harassment training, similar to the No Fear Act training, would make all Department personnel aware of their responsibilities pertaining to harassment. Such training also could assist the Legal Section by decreasing the number of in-person training sessions requested by Department bureaus and posts.

In 2013, the Secretary issued a statement on discriminatory and sexual harassment and emphasized in his message to Department employees his commitment to prevent and eliminate discrimination and sexual harassment in the workplace. Mandatory training for Department employees would strengthen this message and ensure that all employees are aware of their responsibilities and rights.

Recommendation 4: The Office of Civil Rights, in coordination with the Bureau of Human Resources and the Foreign Service Institute, should mandate periodic harassment training for all Department employees. (Action: S/OCR, in coordination with DGHR and FSI)

Recommendation 5: The Office of Civil Rights, in coordination with the Bureau of Human Resources and the Foreign Service Institute, should develop an online harassment training course for employees and supervisors to reflect Department rules and regulations. (Action: S/OCR, in coordination with DGHR and FSI)

Diversity Management and Outreach Section

The Diversity Management and Outreach (DMO) Section annually prepares 11 workforce diversity reports requested by the U.S. Congress, the EEOC, the White House, the Office of Personnel Management, and other Federal entities. These reports include the Management Directive 715, the Hispanic Employment Federal Evaluation Recruitment, and Minority Serving

Institutions reports. Complicating the reporting task is the fact that DMO has to process the reports but does not control the information that populates them. Its staff must acquire data from the Bureau of Human Resources and other offices of the Department as well as several outside agencies. To mitigate past problems with delayed report submission caused by information not being received in the proper format, DMO researched other report producers and discovered that the U.S. Department of the Treasury had an automated system for populating the report. DMO has invited experts from the U.S. Department of the Treasury to work together with the Bureau of Human Resources, which owns the data, to expedite the report production process. This is a work in progress that appears to have significant potential benefits.

The staff also uses the information gathered in these reports to conduct quantitative and qualitative workforce analyses with the purpose of eradicating barriers to EEO. It briefs senior leadership on Department demographics and diversity best practices. It delivers EEO and diversity briefings to senior leaders, new hires, managers, and other constituencies in the Department.

A significant portion of DMO staff time is spent supporting outreach via the Department's 13 recognized Employee Affinity Groups (EAG). These diverse employee constituencies—(such as Executive Women at State, the Carl T. Rowan Chapter of Blacks in Government, the Disability Action Group, and the Asian American Foreign Affairs Association)—promote internal networking, career development, and community service and are helpful in retention, recruitment, morale, skill development, and training initiatives. DMO assists the groups with logistics and communications for their events, developing diversity programming and facilitating exposure to top-level Department leadership. The OIG team interviewed the presidents or top leaders of all 13 EAGs and noted unanimous praise for DMO's excellent support and for the opportunities to participate in DMO's quarterly leader meetings. The staff administers the Diversity Governance Council, comprising 22 senior members of Department leadership, who meet quarterly to consider ways to expand diversity and meet the Department's diversity goals. In addition, 13 members of the Diversity Governance Council also serve as the Leadership Liaisons to the EAGs, providing counseling, networking opportunities, and suggestions and support for functions and commemorations.

Among its most visible activities are DMO's commemorative events to recognize the contributions of a diverse array of individuals and groups. The Department recognizes 12 commemorative events or months and DMO, often in cooperation with the appropriate affinity group, organizes and publicizes the planned functions.

DMO staff members serve as Special Emphasis program managers—as federally mandated—for the three required programs for women, Hispanics, and persons with disabilities.

Federal Women's Program

The Federal Women's Program has received reduced emphasis in recent years. Rapid turnover, especially overseas, of Federal Women's Program coordinators has made tracking and maintaining a current roster problematic. Coordinators currently have no training program.

Since the Federal Women's Program is required in all Federal entities, another agency may have developed a model training program. The OIG team counseled S/OCR to seek out such training programs and determine if they could be used at the Department.

Customer Service Team

The director cited excellence in customer service as his primary objective when he created the functional bureau strategy for 2015–2018. In 2012 S/OCR earmarked the sole Foreign Service position in S/OCR as the Customer Service officer, who was assisted part-time by an EEO specialist. The Customer Service team gauges customer satisfaction through the use of audience and subject-specific focus groups and has conducted 11 such groups since its inception. Examples include meetings with bureau executive directors and affinity groups and engaging in discussions of disability and reasonable accommodations for disabled persons. One tangible outcome of the exchanges has been appreciation letters from the S/OCR director to EEO counselors through their supervisors, commending job performance. In addition to focus groups, the Customer Service team conducts surveys, produces Web-based training seminars, contributes to EEO/Diversity-related articles in State Magazine, and keeps the director and staff informed of both positive and negative external feedback.

Alternative Dispute Resolution

S/OCR ADR is a mechanism to resolve discrimination complaints. ADR is a voluntary, informal but structured process fostered by professionally trained mediators to help the parties work out their own mutually agreeable solution. ADR is a valuable tool actively promoted by S/OCR because it can often save time and expense, afford greater flexibility in possible settlements, protect the relationship and communication between the parties, and retain the decision-making authority in the hands of the parties. Two mediators with a combined 18 years of experience handle the ADR function. S/OCR currently plans to train EEO counselors to explain and offer the option of ADR to complainants, which could result in a significant increase in case load for the mediators.

In FY 2014, 22 percent of informal complaints requested ADR; of these, 71 percent ended in successful resolution. The mediators face time-consuming logistics when getting the parties together in the same place or over video conferencing equipment. Much of the coordination involved could be handled by an administrative assistant, thus freeing up the mediators to do their negotiation work. The assistant EEO specialist spends 90 percent of her time on ADR work and 10 percent or less on the Customer Service Team, where she now appears on the organization chart. The OIG team counseled S/OCR leadership on three areas of concern. First, S/OCR should devote all or most of the time of the now vacant front office support position to ADR support. Second, if a significant increase in requests for ADR resolution occurs, S/OCR should consider adding another mediator position. And third, S/OCR leadership should put the two ADR mediators together as a unit in the next version of their organization chart.

RESOURCE MANAGEMENT

Table 1. FY 2014 Staffing and Bureau-managed Funding

Agency	U.S. Direct-hire Staff	U.S. Locally Employed Staff	Foreign National Staff	*Total Staff	Funding (\$)
U.S. DEPARTMENT OF STATE					
Civil Service	28	0	0		
Foreign Service	1	0	0	29	
Diplomatic and Consular Program Funding					1,121,000
Settlement Funds**					98,000
TOTAL	29				1,219,000

*Staffing totals reflect authorized positions not actual personnel.

**This number represents S/OCR's portion of settlement funds. Department bureaus pay for additional settlement costs out of their own funds.

Source: S/OCR

As a part of the Secretary's administration, S/OCR receives management support from the Executive Secretariat Executive Director (S/ES-EX), which includes the traditional executive office functions such as human resources, budgeting, information technology, and support services. S/OCR has a budget of \$1.12 million in bureau-managed diplomatic and consular program funding and a \$98,000 settlement account. The OIG team's review of travel authorizations, vouchers, and procurement documents did not reveal any issues. However, the team found issues in the human resources area, as described below.

S/OCR relies on S/ES-EX for the full range of human resources services, such as position descriptions, personnel actions, payroll, benefits, taxes, job postings, and performance appraisals. For position classification, S/ES-EX has a service agreement with the Bureau of Human Resources that includes position classification authority. The OIG team conducted a review of S/OCR position descriptions, performance appraisals, and employee efficiency reviews and generally found no problems, except as noted in the Leadership section regarding delinquent performance evaluations on two employees. S/OCR currently has four vacancies. Two positions, one in the Intake and Resolution Section and one in administration, have candidates awaiting the clearance process. Another two positions, one in Intake and Resolution and one in DMO, are yet to be announced.

Equal Employment Opportunity

S/OCR has two formal EEO complaints pending against it. To avoid conflict of interest, L/EMP takes the lead in receiving any complaints and parcels them out to another organization's EEO operation, for example the Broadcasting Board of Governors (BBG) or the U.S. Agency for International Development. Both complaints are more than a year old and currently being processed.

INFORMATION MANAGEMENT

S/ES-IRM provides information management and security support to S/OCR. S/ES-IRM also provides helpdesk support for all workstations and assists with network, file shares, and equipment assistance, including laptops and BlackBerries. S/ES-IRM also handles S/OCR's information systems security officer responsibilities. S/OCR praised the customer support it receives from S/ES-IRM and noted appreciation for S/ES-IRM's responsiveness.

S/ES-IRM created three SharePoint sites to assist S/OCR in using technology to improve its work and processes. For example, S/ES-IRM created a SharePoint site to assist S/OCR's Legal Section in tracking incoming harassment inquiries and to establish a standard reporting form to be used by Department employees. S/ES-IRM helped the section tailor the harassment SharePoint site several times to meet the section's needs, including metadata to perform trend analysis. S/ES-IRM also created the EEO counselors' SharePoint site. This site helps S/OCR and the rest of the Department keep track of assigned EEO counselors worldwide. With more than 500 current EEO counselors in the Department, the EEO counselor SharePoint site sends reminders to counselors to update and add their contact information and assists in ensuring that counselors have taken the necessary EEO training. S/ES-IRM also created another SharePoint site to assist the Intake and Resolution Section in assigning specific EEO cases. This SharePoint site keeps track of assignments and provides information on which counselor may be available to handle a case. The site also includes relevant policies and procedures and templates used by EEO counselors.

MANAGEMENT CONTROLS

S/OCR prepared the most recent Management Control Statement of Assurance on September 8, 2014. No deficiencies were noted during the reporting period. S/OCR worked closely with S/ES-EX on assessing management controls in office processes; for example, monitoring credit card records and contracts and completing the Statement of Assurance. OIG team interviews with the director, deputy director, customer service officer, and administrative officer and a spot review of records did not reveal significant management controls problems in S/OCR, other than the delinquent performance evaluations discussed in the Leadership section of this report. The OIG team noted that duties are properly separated where applicable, and the office is cognizant about internal controls.

RECOMMENDATIONS

Recommendation 1: The Office of Civil Rights should adjust personnel resources to match workload and formally seek additional personnel resources. (Action: S/OCR)

Recommendation 2: The Office of Civil Rights, in coordination with the Bureau of Human Resources and the Executive Office of the Executive Secretariat, should formally review the position grades of the attorneys in the Legal Section, the chiefs of the Diversity Management and Outreach and the Intake and Resolution Sections, and the officer in the Customer Service unit in the Office of Civil Rights. (Action: S/OCR, in coordination with DGHR and S/ES-HR)

Recommendation 3: The Office of Civil Rights should complete delinquent performance evaluations. (Action: S/OCR)

Recommendation 4: The Office of Civil Rights, in coordination with the Bureau of Human Resources and the Foreign Service Institute, should mandate periodic harassment training for all Department employees. (Action: S/OCR, in coordination with DGHR and FSI)

Recommendation 5: The Office of Civil Rights, in coordination with the Bureau of Human Resources and the Foreign Service Institute, should develop an online harassment training course for employees and supervisors to reflect Department rules and regulations. (Action: S/OCR, in coordination with DGHR and FSI)

PRINCIPAL OFFICIALS

Title	Name	Arrival Date
Director	John Robinson	3/2008
Deputy Director	Gregory Smith	1/2005
Associate Director	Janice Caramanica	11/2001
Diversity and Management Section	Verena Sander	9/2005
Intake and Resolution Section	Glenn Budd	5/2013
Legal Section	Jennifer DeHeer	8/2003
Customer Service Team	Ruth Hall	9/2012

Source: S/OCR

APPENDIX A: SCOPE AND METHODOLOGY

This inspection was conducted in accordance with the Quality Standards for Inspection and Evaluation, as issued in 2012 by the Council of the Inspectors General on Integrity and Efficiency, and the Inspector's Handbook, as issued by the OIG for the Department and BBG.

Purpose and Scope

The Office of Inspections provides the Secretary of State, the Chairman of BBG, and Congress with systematic and independent evaluations of the operations of the Department and BBG. Inspections cover three broad areas, consistent with Section 209 of the Foreign Service Act of 1980:

- **Policy Implementation:** whether policy goals are being effectively achieved and U.S. interests are effectively represented.
- **Resource Management:** whether resources are used with maximum efficiency and effectiveness and whether financial transactions and accounts are properly conducted, maintained, and reported.
- **Management Controls:** whether operations meet the requirements of applicable laws and regulations; whether internal management controls are enforced; whether instances of fraud, waste, or abuse exist; and whether adequate steps for detection, correction, and prevention have been taken.

Inspections also assess executive leadership in such areas as security, interagency cooperation, morale, Equal Employment Opportunity, and staff development.

Methodology

The team conducted 87 Department interviews and 17 external interviews in both the public and private sector. Interviews conducted by the OIG team focused on the harassment inquiry and EEO complaint processes, executive leadership, staffing, training, civil rights educational outreach, office strengths and weaknesses, working relationships between sections, and morale. To understand how S/OCR interacts with domestic bureaus, the team interviewed the Under Secretary for Management, 1 acting assistant secretary, 4 deputy assistant secretaries, and 20 executive directors or their acting directors and deputies. All presidents or senior officers of the 13 Department affinity groups were interviewed. The team leader also attended two affinity group outreach events. The OIG team interviewed personnel in the Office of Federal Operations of the EEO Commission, which is the federal oversight agency for S/OCR. The team members attended weekly S/OCR front office, staff, and individual section meetings. The team leader attended the S/OCR director's weekly meeting with the Under Secretary for Management.

The OIG team collected personal questionnaires from S/OCR employees, with a response rate of 100 percent.

The inspection team's primary assessment criteria are Executive Order 13583, the Secretary's statement on diversity and EEO, regulations contained in the 3 category FAM and the *Foreign Affairs Handbook*, the Code of Federal Regulations and Federal Acts, and EEOC mandated reporting requirements.

To gain further understanding of S/OCR, the team conducted two surveys and one in-house database search.

Executive Directors Survey

In addition to interviewing executive officers, the team developed and distributed to all bureau executive directors an emailed survey questionnaire. Questions asked were:

1. What is the extent of your contact/coordination with S/OCR?
2. Do any issues involve coordination with S/OCR? If yes, please explain.
3. Is S/OCR's guidance and support of the EEO process adequate?
4. When contacted, does S/OCR provide timely feedback?
5. From the bureau/executive office perspective, is the EEO process in the Department timely?
6. Are roles and responsibilities in the Department's EEO process clear?
7. Is EEO training in the Department for managers, supervisors, and employees adequate?
8. Are the outcomes of issues S/OCR handles fair, appropriate, and consistent?

The response rate was 62 percent or 15 of 24 questionnaires sent. The results did not reveal any systemic problem areas, although six respondents commented on the timeliness of the EEO process in general.

EEO Counselors Survey

The second survey was sent to EEO counselors worldwide via SharePoint, requesting their opinion on S/OCR support and training. Questions asked were:

1. What is the overall size of the mission?
2. How many years have you served as EEO counselor?
3. Rate the timeliness of the support you received from S/OCR.
4. Rate the quality of support you received from S/OCR.
5. Where did you take the initial Basic EEO Counselor Training (PT171)?
6. How well did the course prepare you for your responsibilities as an EEO counselor?
7. When was your most recent EEO counselor refresher training course?
8. Rate your workload as an EEO counselor.
9. How many trained LE Staff EEO liaisons are at post?

The response rate was 79 percent or 367 responses of 461 questionnaires sent. 38 percent of those EEO counselors did not receive refresher training within the past year, or 143 of the 367 responses.

Compliance Analysis Tracking System Database Search

The OIG Executive Office of Policy, Planning and Analysis has a mechanism to pull recommendations from past inspection reports using a keyword approach. The team submitted a request to search inspection reports for the past 5 years using the keywords:

- S/OCR
- EEO
- EEOC
- Diversity
- Civil rights
- Harassment
- Discrimination
- Disability

Twenty-six recommendations were pulled. The team reviewed the recommendations and found no current systemic areas of concern. In the years 2009–2011, multiple recommendations were made that posts appoint Federal Women’s Program coordinators.

Random Review of Harassment Cases

OIG inspectors assessed the Harassment Inquiry SharePoint site to determine the number of reported harassment inquiries for FY 2014. It showed 236 reported inquiries for FY 2014. From those, the inspectors filtered down the number of cases to those that were closed, resulting in 164 closed inquiries. Harassment inquiries reported on or concerning OIG employees were eliminated from the search. On the basis of the remaining number, the OIG inspector narrowed down the number of cases to those that were reported from the 6-month period of April 1, 2014, to September 30, 2014. This resulted in 74 reported harassment inquiries. Starting at the tenth line, every other fifth inquiry was chosen to generate 30 cases to review. OIG inspectors then determined whether S/OCR maintained all required package elements and whether any improvements were needed in its processes.

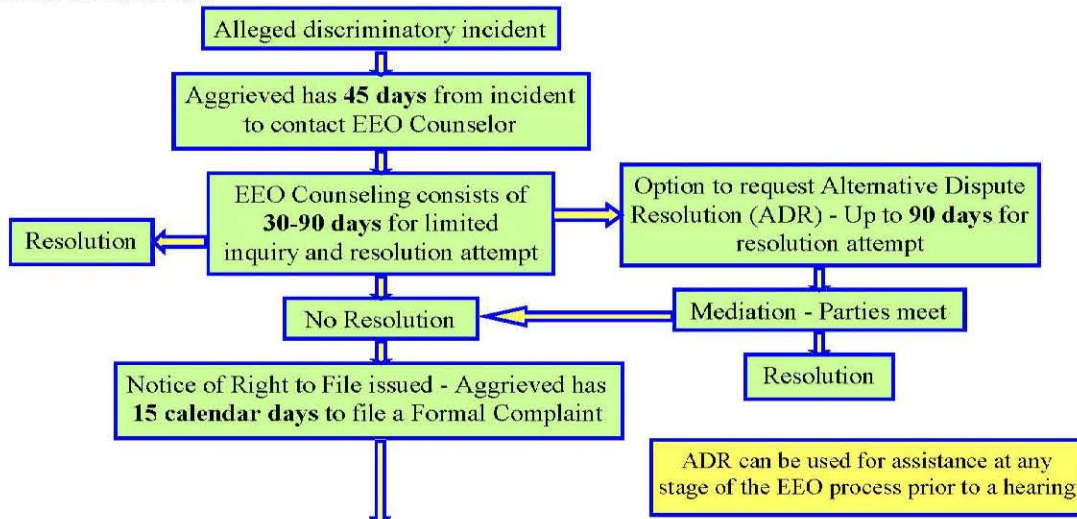
Random Review of EEO Complaints

The OIG team randomly selected a number of formal, closed EEO complaint cases for FY 2013 and FY 2014 to date (10-29-14) in S/OCR’s case management system, iComplaints. The OIG inspector reviewed 12 out of 111 total cases (11 percent). The primary purpose of the review was for the OIG inspectors to become familiar with the case files, verify S/OCR’s documentation of required timeframes, and review documentation in accordance with EEOC Management Directive 110, Chapter 5: Agency Processing of Formal Complaints.

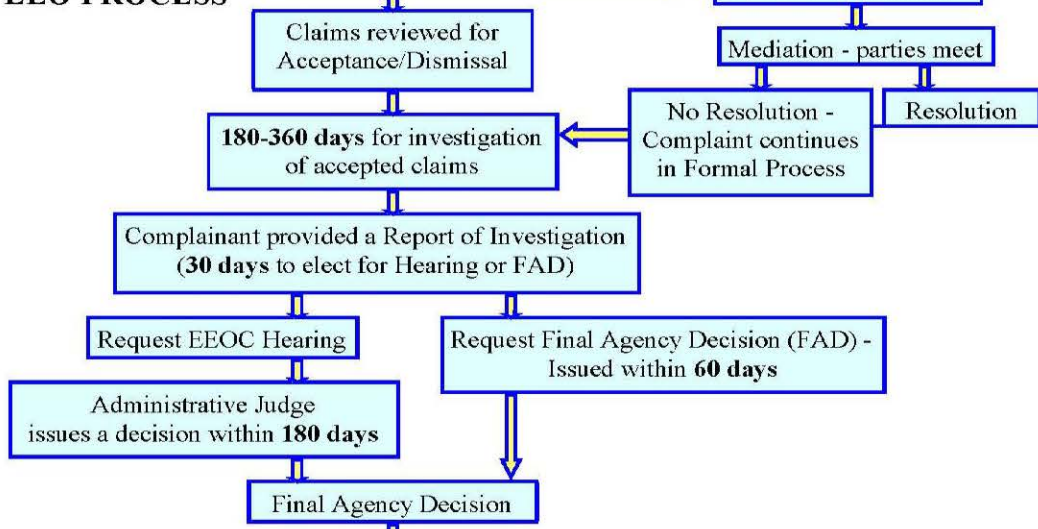
APPENDIX B: S/OCR PROCESS FLOWCHARTS

Source: S/OCR

**INFORMAL
EEO PROCESS**



**FORMAL
EEO PROCESS**



**APPEAL
PHASE**

Complainant can appeal decision to OFO (Office of Federal Operations) within 30 days

**JUDICIAL
PHASE**

Complainant can request EEOC Reconsideration
Complainant can file Civil Action within 90 days

S/OCR'S EEO/ADR
Standard Operating Procedures
Activity Processing Time Lines

ADR ACTIVITY	TIME (approximately)
1. Acknowledgments of ADR Request	2 days
2. Review EEO Case for Acceptance/Decline	3 days
3. Notice of Acceptance/Decline to Aggrieved/Complainant	3 days
4. Notice of Aggrieved/Complainant's Acceptance to Management	3 days
5. Scheduling Mediation	3-4 days
6. Briefing Parties	3-4 days
7. Mediation	1 day
8. Conclusion of Mediation with Terms for Settlement	3-5 days

Source: S/OCR

ABBREVIATIONS

BBG	Broadcasting Board of Governors
Department	U.S. Department of State
DMO	Diversity Management and Outreach
EAG	Employee Affinity Group
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FAM	<i>Foreign Affairs Manual</i>
HR/ER/CSD	Bureau of Human Resource's Conduct, Stability, and Discipline Division
L/EMP	Office of the Legal Adviser's Office of Employment Law
LE	Locally employed
OIG	Office of Inspector General
S/ES-EX	Executive Secretariat Executive Director
S/ES-IRM	Executive Secretariat of Information Resource Management
S/OCR	Office of Civil Rights

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