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OFFICE OF INSPECTOR GENERAL



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SUBJECT: Assessment of the State of Oversight Work in the Area of Sexual Harassment and Misconduct in the Federal Government

Since 2014, the United States Department of Agriculture's (USDA) Office of Inspector General (OIG) has completed a variety of work related to sexual harassment and misconduct at the Forest Service (FS). In response to a Congressional request in November 2014, we performed a preliminary review of FS Region 5's¹ work environment to determine the actions FS had taken to address Congress' concerns. We concluded that FS had taken constructive steps towards improving its work environment. As a result, we postponed further audit work until FS had more time to implement all of the agreed to action items. Due to Congressional concerns raised in 2016, OIG expedited its timeline for an audit of Region 5. As part of this audit, we issued an interim report to inform FS that it needed to further strengthen its process for investigating sexual harassment and sexual misconduct complaints.² In the final report for this audit, we highlighted additional actions FS should take to address workplace concerns regarding its handling of sexual harassment and sexual misconduct complaints. For example, we reported that FS hiring officials promoted employees with undisclosed prior histories of sexual harassment and sexual misconduct.³ Separate from the audit work, OIG also performed a survey in Region 5 regarding sexual harassment.⁴

On November 15, 2018, USDA's Inspector General (IG) testified before the House Committee on Oversight and Government Reform on OIG's work related to sexual harassment and misconduct at FS. During the hearing, key members of the Committee asked how OIG could assist FS in establishing methods to measure its progress to address workplace concerns regarding sexual harassment and misconduct and to improve this aspect of its work environment. OIG agreed to canvass the oversight community, including the IG community and the U.S. Government Accountability Office (GAO), and to conduct research to identify the universe of

¹ FS' Region 5 is the State of California.

² *Forest Service Initiatives to Address Workplace Misconduct—Interim Report*, Audit Report 08601-0006-41(1) (Mar. 2018).

³ *Forest Service Initiatives to Address Workplace Misconduct*, Audit Report 08601-0006-41 (Feb. 2019).

⁴ *Survey of the Forest Service Region 5 Regarding Sexual Harassment*, Rep. No. 17-028 (Jan. 2018).

work done in the last 5 years (2013–2018) related to sexual harassment and misconduct. This memo and the attached documents summarize the work that OIG performed as part of this project to help identify standards, guidance, or best practices that agencies can use to measure progress in this area.

We would like to highlight two pieces of information that could serve as notable resources as FS works to address sexual harassment and misconduct in the workplace.

DOD Performance Measures and GAO Best Practices. In a November 2015 report to Congress relating to suggested improvements to the U.S. Department of Defense’s (DOD) sexual assault prevention strategy, GAO provided both a chart of DOD’s prevention-focused performance measures and a chart of GAO’s “Key Attributes of Successful Performance Measures.”⁵

CDC Framework for Effective Sexual Violence Prevention Strategies. We note that while developing its own sexual assault prevention strategy, DOD incorporated aspects of the Centers for Disease Control and Prevention’s (CDC) framework for effective sexual violence prevention strategies. The CDC framework is discussed in several of the GAO reports that the team reviewed, including the November 2015 report cited above.⁶ Although we did not reach out to CDC directly to review this framework, we believe that CDC and its framework would be a valuable resource to FS as it proceeds in its efforts.⁷

From November 2018 through March 2019,⁸ OIG conducted a review to assess the state of oversight work related to sexual harassment and misconduct. The research performed related to this review was not conducted in accordance with *Generally Accepted Government Auditing Standards* issued by the Comptroller General of the United States or the *Quality Standards for Inspection and Evaluation*, issued by the Council of the Inspectors General for Integrity and Efficiency. However, we did apply the quality assurance standards established by OIG’s Office of Data Sciences to ensure the information presented in this document was adequately supported. Before we performed this non-audit service, we determined that it would not impair our independence to perform audits, inspections, attestation engagements, or any other future or ongoing reviews of the subject.

In addition to a data call to the oversight community to identify publicly available reports, OIG established a multi-disciplinary team⁹ to review and analyze materials obtained as part of our

⁵ GAO, *Sexual Assault: Actions Needed to Improve DOD’s Prevention Strategy and to Help Ensure It Is Effectively Implemented*, Rep. No. GAO-16-61, p. 30 (Nov. 2015); Attachment 1, GAO’s Key Attributes of Successful Performance Measures.

⁶ Rep. No. GAO-16-61, p. 10–13.

⁷ CDC, *Sexual Violence Prevention: Beginning the Dialogue* (Atlanta, GA: 2004) and *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements* (Atlanta, GA: 2014). See also CDC, *The Social-Ecological Model: A Framework for Prevention*, <https://www.cdc.gov/violenceprevention/publichealthissue/social-ecologicalmodel.html> (last reviewed Jan. 16, 2019).

⁸ All USDA OIG staff on this project team were furloughed during the partial government shutdown. No work on this project was performed from December 22, 2018, through January 25, 2019.

⁹ The cross-functional team consisted of OIG staff with varied experience in investigations, audit, statistical analysis, surveys, data sciences, internal affairs, quality assurance, legal affairs, diversity, and equal employment opportunity, including experience that specifically related to allegations of sexual harassment and/or sexual assault.

data call in order to identify standards, guidance, or best practices that agencies, including FS, can use to measure progress in this area. During the review, the team identified numerous suggested action items within the reports and divided them into “categories” and “themes” for easier reference. For each of these themes, the team categorized relevant action items recommended by various OIGs and GAO to agencies under their purview. FS can consider the actions taken in other agencies when planning its own measures to address these issues in the workplace.

For your reference and review, attached are several documents prepared by the team:

1. A copy of the above-referenced GAO’s “Key Attributes of a Successful Performance Measure.”
2. A complete list of the reviewed reports.
3. A list of some of the major categories and themes identified, with a selection of underlying action items associated with the theme. Each theme includes a cross-reference to the reports that correspond to the highlighted action items for that theme.
4. Action items found during our research, separated into best practices, standards, and guidance with the associated themes as developed by the team. The action items are cross-referenced to the corresponding reports.

We hope that these materials will assist FS in its continued efforts to address workplace concerns and improve its work environment. If you have questions, please do not hesitate to contact one of us. Mr. Harden can be reached at (202) 720-6945 and Ms. Rone can be reached at (202) 720-5168.

4 Attachments:

GAO’s Key Attributes of Successful Performance Measures

Source Reports Reviewed by USDA OIG Team

Best Practices, Standards and Guidance: Highlighted Themes with Select Action Items

Tables of Categorized Themes and Action Items

GAO's Key Attributes of Successful Performance Measures¹

Attribute	Definition	Potentially adverse consequences of not meeting attribute
Key attributes evaluated by reviewing performance measures individually		
Linkage	Measure is aligned with division and agency-wide goals and mission and clearly communicated throughout the organization.	Behaviors and incentives created by measures do not support achieving division or agency-wide goals or mission.
Baseline and Trend Data	Measure has a baseline and trend data associated with it to identify, monitor, and report changes in performance and to help ensure that performance is viewed in context.	Without adequate baseline data, goals may not permit subsequent comparison with actual performance.
Measurable target	Measure has a numerical goal.	Cannot tell whether performance is meeting expectations.
Clarity	Measure is clearly stated, and the name and definition are consistent with the methodology used to calculate it.	Data could be confusing and misleading to users.
Objectivity	Measure is reasonably free from significant bias or manipulation.	Performance assessments may be systematically over- or understated.
Reliability	Measure produces the same result under similar conditions.	Reported performance data are inconsistent and add uncertainty.
Key attributes evaluated by reviewing performance measures as a set		
Limited overlap	Measure should provide new information beyond that provided by other measures.	Managers may have to sort through redundant, costly information that does not add value.
Core program activities	Measures cover the activities that an entity is expected to perform to support the intent of the program.	Not enough information available in core program areas to managers and stakeholders.
Government-wide priorities	Each measure should cover a priority, such as quality, timeliness, and cost of service.	A program's overall success is at risk if all priorities are not addressed.
Balance	Balance exists when a suite of measures ensures that an organization's various priorities are covered.	Lack of balance could create skewed incentives when measures overemphasize some goals.

¹ GAO, *Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented*, Rep. No. GAO-16-61, p. 30 (Nov. 2015), <https://www.gao.gov/products/GAO-16-61>.

Source Reports Reviewed by USDA OIG Team

Report 1. U.S. Department of Justice (DOJ) OIG, *Review of the Handling of Sexual Harassment and Misconduct Allegations by the Department's Civil Division*, Rep. No. 17-03 (May 2017), <https://oig.justice.gov/reports/2017/e1703.pdf>.

Report 2. DOJ OIG, *The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components*, Rep. No. 15-04 (Mar. 2015), <https://oig.justice.gov/reports/2015/e1504.pdf>.

Report 3. U.S. Department of Homeland Security (DHS) OIG, *DHS Support Components Do Not Have Sufficient Processes and Procedures to Address Misconduct*, Rep. No. OIG-18-81 (Sept. 26, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-81-Sep18.pdf>.

Report 4. DHS OIG, *The Federal Air Marshal Service Has Sufficient Policies and Procedures for Addressing Misconduct*, Rep. No. OIG-17-104 (Sept. 13, 2017), <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-104-Sep17.pdf>.

Report 5. DHS OIG, *Adequacy of USSS Efforts to Identify, Mitigate, and Address Instances of Misconduct and Inappropriate Behavior*, Rep. No. OIG-14-20 (Dec. 2013), https://www.oig.dhs.gov/assets/Mgmt/2014/OIG_14-20_Dec13.pdf.

Report 6. DHS OIG, *Adequacy of USSS' Internal Investigation of Alleged Misconduct in Cartagena, Colombia*, Rep. No. OIG-13-24 (Jan. 2013), https://www.oig.dhs.gov/assets/Mgmt/2013/OIG_13-24_Jan13.pdf.

Report 7. DHS OIG, *Allegations of Misconduct and Illegal Discrimination and Retaliation in the Federal Air Marshal Service*, Rep. No. OIG-12-28 (Jan. 2012), https://www.oig.dhs.gov/assets/Mgmt/OIG_12-28_Jan12.pdf.

Report 8. U.S. Department of Transportation (DOT) OIG, *Gaps in USMMA's Sexual Assault Prevention and Response Program Limit Its Effectiveness*, Rep. No. ST2018039 (Mar. 28, 2018), <https://www.oig.dot.gov/library-item/36417>.

Report 9. *Protecting Our Midshipmen: Preventing Sexual Assault & Sexual Harassment at the U.S. Merchant Marine Academy: Hearing Before the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Senate Committee on Appropriations*, 115th Cong. (2017) (statement of The Honorable Calvin Scovel III, Inspector General, U.S. Department of Transp.), <https://www.oig.dot.gov/library-item/35595>.

Report 10. Scovel III, The Honorable Calvin L. (Inspector Gen., U.S. Department of Transp.), Letter to The Honorable Susan Collins, Chairman; The Honorable Mario Diaz-Balart, Chairman; The Honorable Jack Reed, Ranking Member; and The Honorable David Price, Ranking Member, the United States Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, Committee on Appropriations. (Aug. 11, 2016), <https://www.oig.dot.gov/library-item/33595>.

Report 11. *The State of the U.S. Maritime Industry: The Federal Role: Hearing Before the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security of the Senate Committee on Commerce, Science, and Transportation.*, 115th Cong. (2016) (statement of Mitchell Behm, Assistant Inspector General for Surface Transportation Audits, DOT OIG), <https://www.oig.dot.gov/library-item/33041>.

Report 12. DOT OIG, *Better Program Management and Oversight are Required for USMMA's Efforts to Address Sexual Assault and Harassment*, Rep. No. ST-2015-004 (Oct. 23, 2014), <https://www.oig.dot.gov/library-item/32214>.

Report 13. DOT OIG, *Management Advisory Report on Civil Rights Matters (Sexual Harassment) Involving FAA*, Rep. No. MA-1998-022 (Oct. 21, 1997), <https://www.oig.dot.gov/library-item/30366>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 14. GAO, *Sexual Violence: Actions Needed to Improve DOD's Efforts to Address the Continuum of Unwanted Sexual Behaviors*, Rep. No. GAO-18-33 (Dec. 18, 2017), <https://www.gao.gov/products/GAO-18-33>.

Report 15. GAO, *Sexual Assault: Better Resource Management Needed to Improve Prevention and Response in the Army National Guard and Army Reserve*, Rep. No. GAO-17-217 (Feb. 2017), <https://www.gao.gov/products/GAO-17-217>.

Report 16. GAO, *Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database*, Rep. No. GAO-17-99 (Jan. 2017), <https://www.gao.gov/products/GAO-17-99>.

Report 17. GAO, *Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented*, Rep. No. GAO-16-61 (Nov. 2015), <https://www.gao.gov/products/GAO-16-61>.

Report 18. GAO, *Military Personnel: Actions Needed to Address Sexual Assaults of Male Servicemembers*, Rep. No. GAO-15-284 (Mar. 2015), <https://www.gao.gov/products/GAO-15-284>.

Report 19. GAO, *Military Personnel: DOD Needs to Take Further Actions to Prevent Sexual Assault during Initial Military Training*, Rep. No. GAO-14-806 (Sept. 2014), <https://www.gao.gov/products/GAO-14-806>.

Report 20. GAO, *Colombia: U.S. Counternarcotics Assistance Achieved Some Positive Results but State Needs to Review the Overall U.S. Approach*, Rep. No. GAO-19-106 (Dec. 12, 2018), <https://www.gao.gov/products/GAO-19-106>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 21. GAO, *Emergency Communications: Office of Emergency Communications Should Take Steps to Help Improve External Communications*, Rep. No. GAO-19-171 (Dec. 2018), <https://www.gao.gov/products/GAO-19-171>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 22. GAO, *National Guard: Office of Complex Investigations Should Update Policies to Require Additional Documentation for Sexual Assault Cases*, Rep. No. GAO-19-109 (Dec. 12, 2018), <https://www.gao.gov/products/GAO-19-109>.

Report 23. DOD OIG, *Report of Investigation: John M. Richardson, Admiral, U.S. Navy*, Rep. No. DODIG-2019-002 (Oct. 10, 2018), <https://www.dodig.mil/Reports/Administrative-Investigations/Article/1660071/report-of-investigation-john-m-richardson-admiral-us-navy-dodig-2019-002/>.

Report 24. GAO, *State Department: Better Oversight and Controls Could Improve Timely Delivery of Legal Documents for Terrorism Victims*, Rep. No. GAO-19-139 (Dec. 12, 2018), <https://www.gao.gov/products/GAO-19-139>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 25. GAO, *Information Technology: Implementation of Recommendations Is Needed to Strengthen Acquisitions, Operations, and Cybersecurity*, Rep. No. GAO-19-275T (Dec. 12, 2018), <https://www.gao.gov/products/GAO-19-275T>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 26. GAO, *Navy and Marine Corps: Rebuilding Ship, Submarine & Aviation Readiness Will Require Time & Sustained Management Attention*, Rep. No. GAO-19-225T (Dec. 12, 2018) (statement of John H. Pendleton, Director, Defense Capabilities & Management, Before the Subcomms. on Seapower and Readiness and Management Support, S. Comm. on Armed Servs.), <https://www.gao.gov/products/GAO-19-225T>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 27. GAO, *Sexual Assault: Information on the Availability of Forensic Examiners*, Rep. No. GAO-19-259T (Dec. 12, 2018) (statement of Nicole Clowers, Managing Director, Health Care, GAO, before the Subcommittee on Oversight and Investigations, House Committee on Energy and Commerce), <https://www.gao.gov/products/GAO-19-259T>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 28. GAO, *VA Disability Benefits: Planning Gaps Could Impede Readiness for Successful Appeals Implementation*, Rep. No. GAO-19-272T (Dec. 12, 2018), <https://www.gao.gov/products/GAO-19-272T>.

- *NOTE:* The review team determined this report was not relevant to our research.

Report 29. U.S. Treasury Inspector General for Tax Administration (TIGTA), *The Internal Revenue Service Has Implemented Some Screening Procedures, but Employees With Recent Tax and Conduct Issues Continue to Receive Awards*, Rep. No. 2018-10-005 (Feb. 13, 2018), <https://www.oversight.gov/report/tigta/internal-revenue-service-has-implemented-some-screening-procedures-employees-recent-tax>.

Report 30. USDA OIG, *Survey of the Forest Service Region 5 Regarding Sexual Harassment*, Rep. No. 17-028 (Jan. 23, 2018), <https://www.usda.gov/oig/webdocs/17-028.pdf>.

Report 31. ICF International, *USDA Forest Service Pacific Southwest Environment Assessment Report* (Nov. 30, 2015).¹

Report 32. Yehuda Baruch & Brooks C. Holtom, *Survey response rate levels and trends in organizational research*, 61 Hum. Rel. 1139 (Aug. 1, 2008), <https://journals.sagepub.com/doi/abs/10.1177/0018726708094863>.

Report 33. Morris H. Hansen & William N. Hurwitz, *The Problem of Non-Response in Sample Surveys*, 41 J. Am. Stat. Ass'n 517 (1946), <https://www.tandfonline.com/doi/abs/10.1080/01621459.1946.10501894>.

Report 34. USDA OIG, *FS Initiatives to Address Workplace Misconduct—Interim Report*, Audit Report 08601-0008-41(1) (Mar. 5, 2018), [https://www.usda.gov/oig/webdocs/08601-0008-41\(1\).pdf](https://www.usda.gov/oig/webdocs/08601-0008-41(1).pdf).

Report 35. USDA OIG, *FS Initiatives to Address Workplace Misconduct*, Audit Report 08601-0008-41 (Feb. 11, 2019), <https://www.usda.gov/oig/webdocs/08601-0008-41.pdf>.

¹ FS provided OIG with this report in conjunction with audit 08601-0008-41, *Forest Service Initiatives to Address Workplace Misconduct* (Feb. 2019). ICF International's *USDA Forest Service Pacific Southwest Environment Assessment Report* is not publicly available.

Best Practices, Standards, and Guidance: Highlighted Themes with Select Action Items

A. Best Practices

USDA OIG reviewed the work of other OIGs and GAO to identify the recommendations and action items relating to sexual misconduct and harassment for agencies in their area of purview to address. The team identified over 70 action items, which it broke down into 12 themes.¹ The five most significant themes with representative underlying action items are listed here.²

1. Data availability and data integrity (Reports 3, 14, 16, 22, 30, and 31)

Data concerning sexual misconduct can serve as an invaluable resource in reporting, tracking, and monitoring allegations of sexual misconduct and the status of corrective actions. To gather useful information, agencies need to ensure that the IT systems and the data they contain are reliable, ensure privacy, and are fully utilized.

- Ensure that Human Resources (HR) databases comply with all applicable privacy requirements.
- Develop a user manual that is revised with each new system update.
- Establish a process for configuration management including a process to track, communicate, and deliver changes to the database.
- To improve online survey data availability and integrity, run surveys when participants are more likely to receive and see the survey invitation within the required response timeframe.

2. Prevention (Reports 8, 10, 11, 14, and 19)

Several agencies, most notably the Centers for Disease and Control Prevention (CDC), have developed a list of risk factors that can help agencies strengthen their efforts to prevent and respond to sexual misconduct in the workplace. Below are similar recommended preventative measures that agencies could implement.

- Develop a comprehensive prevention and response plan with strategies and approaches that complement one another.
- Develop partnerships with internal and external entities to align and coordinate prevention efforts.
- Increase gender diversity of incoming employees.

¹ The 12 themes for the “Best Practices” category are accountability; care for employees and care for victims; culture; data availability and data integrity; learn about the work environment/surveys; policies and oversight; prevention; reporting; resources; technology: electronic records management; training and communications; and ways to measure success.

² For a complete list of action items, please see Attachment 4.

- Consider adopting the CDC’s formal Principles for Sexual Violence Prevention³ as a foundational guide for preventing sexual violence. CDC focuses on stopping sexual violence before it begins by conducting research into the risk factors (e.g., alcohol, drugs, hyper masculinity, societal norms which support male superiority and sexual entitlement) that put people at risk for violence, including sexual violence, and putting strategies in place as countermeasures.

3. Reporting (Reports 3, 4, 6, 10, 22, 23, 34, and 35)

Agencies across the Government have focused on the need for more effective, formal, and anonymous reporting of sexual misconduct. Improving reporting can directly address sexual misconduct and ensure incidents are investigated thoroughly and objectively.

- Consider giving victims two ways to report allegations (a “restricted” method, in which victims receive help without an active investigation and an “unrestricted” method, in which victims receive help and an investigation is initiated).
- Respond expeditiously and thoroughly to allegations.
- Ensure two separate and independent offices review misconduct allegations.

4. Training and communications (Reports 3, 4, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 29, and 35)

Training and communications can serve as invaluable tools not only to inform but to shape a work culture. Work from the oversight community suggests that agency personnel, including HR staff, legal staff, and supervisors and managers, should be aware of the internal controls that prevent and address sexual misconduct and harassment—particularly if agencies have recently improved their policies and guidance.

- Agencies can strengthen their commitment to work collaboratively by involving key stakeholders in decision-making.
- Communicate and disseminate prevention strategy and its purpose to program personnel as well as their roles and responsibilities for its implementation.

5. Ways to measure success (Reports 3, 17, 19, 22, 32, and 33)

Another way agencies can determine what areas to address to prevent issues in the workplace is through establishing metrics that will measure progress and success.

- Link sexual assault and harassment prevention activities with desired outcomes.
- Identify risk and protective factors for all agency domains (refer to CDC framework for effective sexual violence prevention strategies).

³ CDC’s “Principles for Sexual Violence Prevention” can be accessed at <https://www.cdc.gov/violenceprevention/sexualviolence/prevention.html> (last visited Jun. 4, 2019).

- Fully develop performance measures for the prevention of sexual harassment/assault so that the measures include all key attributes of successful performance measures.

B. Standards

The team identified over 30 action items, which it broke down into three themes. The three themes with representative underlying action items are listed here.

1. Policies and oversight (Reports 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 22, 23, and 35)

Policies and oversight can set the tone and culture of a workplace and hold employees accountable for following and upholding formalized models and standards. The following action items emphasize that agencies can and should develop strategic policies that address risks specific to their workplace environments.

- Using the CDC’s framework for effective sexual violence prevention strategies, consider risk and protective factors in relation to every position (duties) in the workforce to help determine which fields may be more prone to sexual harassment, and build in strategies to mitigate risk.
- Implement a zero-tolerance policy for harassment and abuse.
- In addition to addressing sexual harassment, consider addressing the “continuum of harm” of related behaviors (i.e., sexual assault, unwanted sexual behaviors, hazing).
- Require HR management systems to develop and implement employee relations objectives and performance measures, and establish oversight mechanisms to assess and monitor the system.
- Sub-agencies/components should not just rely on overall Department policies, but should develop their own that are consistent with the Department policy.
- When conducting reviews, consider interviewing employees at all levels and at multiple locations nationwide.

2. Reporting (Reports 1, 2, 5, 8, 10, 34, and 35)

As previously noted, creating secure, formalized channels of communication to report any instances of sexual misconduct and harassment can provide agencies with a line of defense in identifying and addressing such incidents as soon as they occur.

- Develop procedures for reporting, investigating, and responding to allegations.
- Provide individuals a way to express concerns regarding the reporting of sexual harassment and sexual assault.
- Ensure that policies on processing allegations (including information about the offices to which such allegations should be reported) are established, and ensure components have clear and consistent criteria on how such allegations should be reported.

3. Training and communications (Reports 4, 35)

Because training and communications can play a vital role in informing and shaping a work culture, tracking training can help ensure all employees are current on training efforts and requirements.

- Data on employees' meeting harassment training requirements should be kept in a database and reviewed quarterly.

C. Guidance

The team identified over 20 action items, which it broke down into six themes.⁴ The two most significant themes with representative underlying action items are listed here.

1. Data availability and data integrity (Reports 1, 2, 3, 8, 9, and 29)

A well-structured data system can reliably provide agencies with information relevant to sexual harassment complaints, including tracking the status of complaints and incidents.

- Develop a systematic recordkeeping system for sexual assault.

2. Ways to measure success/outcomes/change (Reports 7, 9, 10, 12, 15, 18, 23, 30, and 31)

Agencies' efforts to address incidents and change a culture of sexual misconduct and harassment must have clear outcomes in mind and ways to routinely measure performance and change in the workplace.

- Develop performance metrics and sexual assault harassment prevention activities.
- Conduct focus groups and organizational "climate assessments" relating to sexual harassment and sexual assault.
- Consider using independent/external agency (e.g., OIG) to conduct surveys, which may help increase response rates.
- Track the completion time of inquiries into sexual harassment complaints, along with management's response, in some type of shared IT system.
- If methodologically viable, compare survey results to prior surveys (both internal and external), to see if results differ and allow for deeper analysis.

⁴The six themes for the guidance category are data availability and data integrity, policies and oversight, reporting, resources, training and communications, and ways to measure success/outcomes/change.

Tables of Categorized Themes and Action Items

Best Practices		
Theme	Summary Statement	Reference Report Number
Accountability	Assign responsibility for management and oversight of all misconduct allegations across support components and evaluate the best method to ensure that items are completed.	3
	Develop control measures to ensure accountability and preserve integrity.	3
	Develop and implement controls to ensure the appropriate individuals are held accountable for taking action.	8
	Develop and incorporate into a Continuum of Harm prevention strategy all the elements that are key for establishing a long-term, results-oriented, strategic planning framework to include the use of metrics to gauge progress and evaluations of the plan to monitor goals and objectives.	14
	Establish guidelines to ensure that those supervisors and managers who do not timely report sexual harassment and sexual misconduct allegations within the required 24-hour timeframe are disciplined, when appropriate.	35
	Establish internal guidelines that will ensure officials document in the case file their justification when deviating from the recommended penalty.	35
Care for Employees and Care for Victims	Establish a table of penalties.	5
	Create a Professional Reinforcement Working Group to assess organizational behavior, performance, and accountability.	6
	Hire a Sexual Assault Response Coordinator.	8
	Develop and implement an expedited line-of-duty determination process for sexual assault victims, along with a method for tracking the length of time to make the determinations.	15
	Evaluate the extent to which differences exist in the needs of male and female sexual assault victims, and the care regimen, if any, that will best meet those needs; and develop and issue guidance for the department's medical and mental health providers based on the results.	18

Best Practices		
	Eliminate weaknesses in existing detection measures by improving surveillance and entry control.	19
	Provide legal advice and representation to victims.	19
Culture	Assess whether there is an actual or perceived “us versus them” culture between management and non-supervisory personnel, which could negatively impact morale and employee engagement.	7
	Assess employees’ understanding of the nature of the relationship between management and line staff, and address any misunderstandings.	7
Data Availability and Data Integrity	Ensure that the Human Resources Management Services Employee Relations database complies with all applicable privacy requirements.	3
	Develop and utilize centralized databases to maintain and report data on sexual assaults and domestic violence incidents involving sexual assault.	14
	Develop a user manual that is revised with each new system update.	16
	Standardize use of and monitor data quality.	16
	Develop a process to evaluate requested changes to the database.	16
	Establish a process for configuration management including a process to track, communicate, and deliver changes to the database.	16
	Protect personally identifiable information of witnesses/victims/subjects.	22
	Increase participation in on-line surveys by conducting those surveys when employees are more likely to have access to computers. Higher survey response rates mean better data availability and data integrity.	30, 31
Learn about the Work Environment/ Surveys	Conduct assessments, inspections, and/or surveys regarding hostile work environment, including work on sexual harassment/assault prevention and response.	22
	Consider employing an independent agency such as OIG, the Government Accountability Office, or other independent entities to conduct surveys. Doing so may help increase participants’ response rate.	30, 31
Policies and Oversight	Examine, as appropriate and in coordination with agency HR and equal employment opportunity (EEO) staff, disciplinary records to further inform analysis on fair treatment of staff.	7

Best Practices		
	Coordinate with EEO staff to use available EEO data on formal and informal complaints to help inform the agency's findings on areas that need to be addressed and how to resolve them.	7
	Provide additional training and guidance to supervisors on the MSPB and OPM guidelines regarding their responsibility to provide complete and accurate information to hiring officials when asked for references on current and former employees seeking employment or promotions. The training and guidance should also cover privacy and liability concerns when disclosing employee information.	35
	Add, to the standardized list of questions that hiring officials ask the supervisors of current and former employees applying for positions within the agency, questions about whether applicants have a prior history of serious misconduct, the nature of the misconduct, and their suitability for the position despite the misconduct.	35
	Add, to the standardized list of questions that hiring officials ask the applicants applying for positions within the agency, questions about whether applicants have a prior history of serious misconduct, the nature of the misconduct, and their suitability for the position despite the misconduct.	35
	Establish guidelines for hiring officials to contact human resources management to determine whether current or former employees (including seasonal employees) applying for positions within the agency have prior histories of serious misconduct and the nature of the misconduct.	35
	Require supervisors and managers to formally acknowledge their responsibility to report all allegations of sexual harassment and sexual misconduct within the required 24-hour timeframe and record this acknowledgement.	35
	Provide additional training and guidance to supervisors and managers on their roles and responsibilities regarding the 24-hour reporting requirement.	35
	Establish guidelines to ensure that those supervisors and managers who do not timely report sexual harassment and sexual misconduct allegations within the required 24-hour timeframe are disciplined, when appropriate.	35

Best Practices		
	Establish internal guidelines that will ensure officials document in the case file their justification when deviating from the recommended penalty.	35
Prevention	Develop a comprehensive prevention plan with strategies/approaches which complement one another.	8
	Develop infrastructure to effectively implement sexual violence prevention response.	8
	Develop partnerships with internal and external entities to align and coordinate prevention efforts.	8
	Increase gender diversity of incoming employees.	10
	Implement a Sexual Assault Prevention and Response (SAPR) Program.	11
	Examine the extent to which the department or agency has developed overarching efforts, including a prevention strategy, to address the full spectrum of unwanted sexual behavior across the Continuum of Harm.	14
	Study the CDC's formal Principles for Sexual Violence Prevention. GAO has previously reported that CDC's public health and socioecological models provide a foundational guide for preventing sexual violence.	14
	Consider following CDC's lead: CDC focuses on stopping sexual violence before it begins by conducting research into the risk factors (e.g., alcohol, drugs, hyper masculinity, societal norms which support male superiority and sexual entitlement) that put people at risk for violence, including sexual violence, and putting strategies in place as countermeasures.	14
	Develop a comprehensive policy as well as prescribe procedures for confidentially reporting sexual assault incidents.	19
Reporting	Manage misconduct allegations effectively.	3
	Review of misconduct allegations done by two separate and independent offices is recommended.	4
	Ensure investigation is consistent with agency procedures.	6
	Gather pertinent facts as soon as possible.	6
	Notify appropriate personnel about any incident.	6
	Relieve from duty those employees engaging in egregious conduct.	6
	Respond expeditiously and thoroughly to allegations.	6

Best Practices		
	Provide individuals a way to express concerns regarding the reporting of sexual harassment/sexual assault.	10
	Establish a system in which quality control managers review cases.	22
	Establish a system in which investigators determine if allegations are substantiated. They do not recommend action.	22
	Establish two ways for victims to report (restricted access/unrestricted access). In restricted access, the victim gets help but no active investigation is initiated. In unrestricted access, the victim gets help and an investigation is initiated.	22
	Ensure any allegations of criminal sexual assault are immediately referred to the appropriate authorities.	23
	Require, for a trial period of at least 1 year, that the agency only use contract investigators or investigators from other Federal agencies to investigate complaints of sexual harassment and sexual misconduct. To avoid the potential for conflicts of interest or bias towards the agency, exclude those contract investigators or investigators from other Federal agencies that were former agency employees.	34
	Assess, at the end of the trial period, the overall effectiveness of using only contract investigators or investigators from other Federal agencies to investigate sexual harassment and sexual misconduct cases and whether the practice should be made permanent.	34
	Require supervisors and managers to formally acknowledge their responsibility to report all allegations of sexual harassment and sexual misconduct within the required 24-hour timeframe and record this acknowledgement.	35
Resources	Ensure that an experienced workforce is available to complete investigations.	22
	Ensure that the appropriate offices are sufficiently staffed to complete investigations timely.	22
	Require, for a trial period of at least 1 year, that the agency only use contract investigators or investigators from other Federal agencies to investigate complaints of sexual harassment and sexual misconduct. To avoid the potential for conflicts of interest or bias towards the agency,	34

Best Practices		
	exclude those contract investigators or investigators from other Federal agencies that were former agency employees.	
	Assess, at the end of the trial period, the overall effectiveness of using only contract investigators or investigators from other Federal agencies to investigate sexual harassment and sexual misconduct cases and whether the practice should be made permanent.	34
Technology: Electronic Records Management	Acquire and implement technology and establish procedures to effectively preserve text messages and images, and make such information available to misconduct investigators and (as appropriate) for discovery purposes.	2
	Acquire and implement technology to proactively monitor text message and image data for potential misconduct.	2
Training and Communications	Ensure that HR management and services provide supervisors and managers with written guidance on misconduct.	3
	Provide guidance to supervisors and investigators.	3
	Conduct yearly conduct code training.	4
	Create and implement an action plan to address workplace issues identified in any conducted employee surveys, to include training for supervisors on communication and conflict management that is tailored to the agency's mission.	7
	Communicate policies to all stakeholders.	8
	Establish continuing education requirements for agency's SARC position.	9
	Evaluate computer-based training for effectiveness.	10
	Explore bringing in survivors of harassment/assault to speak with personnel.	10
	Meet with victims to ascertain why they feel training is effective/ineffective.	10
	Ensure that HR officials are aware of training policies.	11
	Establish continuing education in the areas of sexual assault and sexual harassment.	12
	Develop and conduct training courses, possibly including a web-based self-guided training that consists of simulations or demonstrations.	16
Implement annual refresher training for program managers and legal officers.	16	

Best Practices		
	Communicate and disseminate a prevention strategy and its purpose to program personnel as well as their roles and responsibilities for its implementation.	17
	Include information about the sexual victimization of both men and women in communications to employees that are used to raise awareness of sexual assault and the department's efforts to prevent and respond to it.	18
	Revise sexual assault prevention and response training to more comprehensively and directly address the incidence of male employees being sexually assaulted and how certain behavior and activities—like hazing—can constitute a sexual assault.	18
	Strengthen the agencies' commitment to work collaboratively by involving key stakeholders in decision-making.	19
	Emphasize that employees must report suspected misconduct or face potential disciplinary action.	29
	Provide additional training and guidance to supervisors on the MSPB and OPM guidelines regarding their responsibility to provide complete and accurate information to hiring officials when asked for references on current and former agency employees seeking employment or promotions within the agency. The training and guidance should also cover privacy and liability concerns when disclosing employee information.	35
	Provide additional training and guidance to supervisors and managers on their roles and responsibilities regarding the 24-hour reporting requirement.	35
Ways to Measure Success	Maintain complete and accurate data.	3
	Link sexual assault prevention activities with desired outcomes.	17
	Identify risk and protective factors for all agency domains.	17
	Ensure agency-level sexual assault prevention and response policies are aligned with the department's prevention strategy.	17
	Develop fully performance measures for the prevention of sexual assault so that the measures include all key attributes of successful performance measures.	17

Best Practices		
	Develop survey data for sexual assault and misconduct to help provide information on career training.	19
	Maintain proper documentation necessary to support any results.	22
	Ensure that investigations are completed timely.	22
	Take action to increase survey response rates, which will improve data availability and integrity.	32, 33

Standards		
Theme	Summary Statement	Reference Report Number
Policies and Oversight	Develop agency-specific policies that are consistent with departmental policies.	1
	Consider developing policy guidance regarding performance awards given to and public recognition of an employee who is under investigation or has recently been disciplined for misconduct, including sexual harassment.	1
	Develop and implement employee relations objectives and performance measures and establish an oversight mechanism to assess and monitor.	3
	Refer misconduct allegations to OIG.	3
	Discipline all employees consistently.	5
	Delineate clearly in agency policy which infractions require formal discipline.	5
	Establish and issue a directive that establishes/reiterates agency expectations, policies, and additional guidance.	6
	Take action to address the <i>perception</i> of discrimination and retaliation throughout the agency.	7
	Interview employees at all levels and at multiple locations nationwide.	7
	Consider whether the perceived levels of discrimination have “compromised” the agency’s mission.	7
	Establish liaison between field offices and EEO program, possibly through “collateral duty assignments.” This will help facilitate communications between employees and EEO program staff regarding informal and formal complaints.	7
	Establish and formalize procedures to evaluate effectiveness of policies.	8
	Review all policies and procedures to identify gaps.	8
	Update policy/develop procedures with more emphasis on preventing harassment/assault.	8

Standards		
	Establish an oversight framework.	9
	Formalize standard operating procedures responsibilities.	9
	Develop a standard operating procedure for criminal investigations of sexual harassment and sexual assault.	10
	Agency procedures that address misconduct must be complete, up-to-date, and fully implemented.	11
	Implement zero-tolerance policy for harassment/abuse.	12
	Establish proper oversight in all aspects of sexual harassment and sexual assault.	12
	Consider related behaviors to sexual harassment (i.e., sexual assault, unwanted sexual behaviors, hazing) in what has been called a “Continuum of Harm.”	14
	Consider CDC’s risk and protective factors in relation to every position (duties) in their workforce to help determine which fields may be more prone to sexual harassment. They should then build in strategies to mitigate risk (See CDC’s Framework for strategies).	14
	Define when to open an investigation (administrative vs. criminal).	22
	Include a timeliness standard/deadline for the implementation of any management decisions related to sexual harassment inquiries.	23
	Distinguish between employee misconduct and performance issues in agency reviews.	23
	Implement a policy that personnel who are the subject of a sexual harassment investigation will be reassigned (temporarily) outside the affected office pending completion of an investigation.	23
	Consider how an agency’s actions may impact morale (e.g., lack of agency timeliness may send “the wrong message” about how seriously the agency/subject takes allegations of sexual harassment).	23

Standards		
	Provide additional training and guidance to supervisors on the MSPB and OPM guidelines regarding their responsibility to provide complete and accurate information to hiring officials when asked for references on current and former employees seeking employment or promotions. The training and guidance should also cover privacy and liability concerns when disclosing employee information.	35
	Add, to the standardized list of questions that hiring officials ask the supervisors of current and former employees applying for positions within the agency, questions about whether applicants have a prior history of serious misconduct, the nature of the misconduct, and their suitability for the position despite the misconduct.	35
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	Require supervisors and managers to formally acknowledge their responsibility to report all allegations of sexual harassment and sexual misconduct within the required 24-hour timeframe and record this acknowledgement.	35
	Provide additional training and guidance to supervisors and managers on their roles and responsibilities regarding the 24-hour reporting requirement.	35

Standards		
	Establish guidelines to ensure that those supervisors and managers who do not timely report sexual harassment and sexual misconduct allegations within the required 24-hour timeframe are disciplined, when appropriate.	35
	Establish internal guidelines that will ensure officials document in the case file their justification when deviating from the recommended penalty.	35
Reporting	Ensure employees know to whom and when to report misconduct.	5
	Develop procedure for reporting, investigating, and responding to allegations.	8
	Provide individuals a way to express concerns regarding the reporting of sexual harassment and sexual assault.	10
	Require, for a trial period of at least 1 year, that the agency only use contract investigators or investigators from other Federal agencies to investigate complaints of sexual harassment and sexual misconduct. To avoid the potential for conflicts of interest or bias towards the agency, exclude those contract investigators or investigators from other Federal agencies that were former agency employees.	34
	Assess, at the end of the trial period, the overall effectiveness of using only contract investigators or investigators from other Federal agencies to investigate sexual harassment and sexual misconduct cases and whether the practice should be made permanent.	34
	Require supervisors and managers to formally acknowledge their responsibility to report all allegations of sexual harassment and sexual misconduct within the required 24-hour timeframe and record this acknowledgement.	35

Standards		
	Develop policies on processing allegations of sexual harassment or misconduct that ensure allegations are reported to appropriate offices (e.g., OIG, HR, and Security Office). All component supervisors and managers should report allegations of sexual misconduct and sexual harassment to HQ. Ensure compliance by including this requirement in performance standards. Components should have and follow clear and consistent criteria for determining whether to forward allegations to HQ/other office, or refer back to originating office to be handled as a management matter.	1, 2
Training and Communications	Keep harassment training requirements in a database that is reviewed quarterly.	4

Guidance		
Theme	Summary Statement	Reference Report Number
Data Availability and Data Integrity	Ensure that the employee relations database complies with all applicable privacy requirements.	3
	Establish documenting and tracking procedures.	8
	Develop a systematic recordkeeping system for sexual assault.	9
	Expand misconduct screening to consider employees with any level of disciplinary action prior to issuing awards.	29
	Create a system to track all allegations of sexual harassment and misconduct, to include minimal standards for case file content.	1, 2
Policies and Oversight	Provide additional training and guidance to supervisors on the MSPB and OPM guidelines regarding their responsibility to provide complete and accurate information to hiring officials when asked for references on current and former employees seeking employment or promotions. The training and guidance should also cover privacy and liability concerns when disclosing employee information.	35
	Add, to the standardized list of questions that hiring officials ask the supervisors of current and former employees applying for positions within the agency, questions about whether applicants have a prior history of serious misconduct, the nature of the misconduct, and their suitability for the position despite the misconduct.	35
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Guidance		
	suitability for the position despite the misconduct.	
	Establish guidelines for hiring officials to contact human resources management to determine whether current or former employees (including seasonal employees) applying for positions within the agency have prior histories of serious misconduct and the nature of the misconduct.	35
	Require supervisors and managers to formally acknowledge their responsibility to report all allegations of sexual harassment and sexual misconduct within the required 24-hour timeframe and record this acknowledgement.	35
	Provide additional training and guidance to supervisors and managers on their roles and responsibilities regarding the 24-hour reporting requirement.	35
	Establish guidelines to ensure that those supervisors and managers who do not timely report sexual harassment and sexual misconduct allegations within the required 24-hour timeframe are disciplined, when appropriate.	35
	Establish internal guidelines that will ensure officials document in the case file their justification when deviating from the recommended penalty.	35
	Develop a table of offenses and penalties. That table should include consistent penalty guidelines for substantiated allegations of sexual harassment and misconduct. All components should use the offense categories specifically designed to address sexual misconduct and sexual harassment. The tables should be revised, as necessary.	1, 2

Guidance		
Reporting	Continue, even when there are low (or no) official reports of harassment, assault, etc., to engage with employees through surveys and other program activities to confirm that results are not just the result of under-reporting.	11
	Require, for a trial period of at least 1 year, that the agency only use contract investigators or investigators from other Federal agencies to investigate complaints of sexual harassment and sexual misconduct. To avoid the potential for conflicts of interest or bias towards the agency, exclude those contract investigators or investigators from other Federal agencies that were former agency employees.	34
	Assess, at the end of the trial period, the overall effectiveness of using only contract investigators or investigators from other Federal agencies to investigate sexual harassment and sexual misconduct cases and whether the practice should be made permanent.	34
	Require supervisors and managers to formally acknowledge their responsibility to report all allegations of sexual harassment and sexual misconduct within the required 24-hour timeframe and record this acknowledgement.	35
Resources	Evaluate staffing approaches and consider approaches to leverage resources across all components. Include an assessment of the number and allocation of full-time and collateral-duty personnel, fill rates for program positions, and types of positions used.	15
	Develop guidance on budget development and execution for Sexual Harassment/Assault Response and Prevention programs.	15

Guidance		
	Communicate and disseminate guidance to appropriate personnel, and expand midyear review scope to include monitoring and provide oversight for Sexual Harassment/Assault Response and Prevention programs.	15
	Require, for a trial period of at least 1 year, that the agency only use contract investigators or investigators from other Federal agencies to investigate complaints of sexual harassment and sexual misconduct. To avoid the potential for conflicts of interest or bias towards the agency, exclude those contract investigators or investigators from other Federal agencies that were former agency employees.	34
	Assess, at the end of the trial period, the overall effectiveness of using only contract investigators or investigators from other Federal agencies to investigate sexual harassment and sexual misconduct cases and whether the practice should be made permanent.	34
Training and Communications	Develop a leadership course for supervisors that includes an understanding of the unique challenges present in the work environment. Develop a clear policy requiring upper level supervisors to be informed immediately of all allegations of sexual assault, sexual harassment, unprofessional relationships, maltreatment, and improper training.	19
	Provide additional training and guidance to supervisors on the MSPB and OPM guidelines regarding their responsibility to provide complete and accurate information to hiring officials when asked for references on current and former agency employees seeking employment or promotions within the agency. The training and guidance should also cover privacy and liability concerns when disclosing employee information.	35

Guidance		
	Provide additional training and guidance to supervisors and managers on their roles and responsibilities regarding the 24-hour reporting requirement.	35
Ways to Measure Success/Outcomes/Change	Compare survey results to prior surveys (both internal and external), to see if results differ and allow deeper analysis.	7
	Develop performance metrics and sexual harassment prevention activities.	9
	Conduct focus groups centered on sexual harassment and sexual assault.	10
	Conduct an organizational “climate assessment” as it pertains to sexual harassment and sexual assault.	10
	Develop performance metrics for appropriate areas involved in the agency’s sexual harassment/sexual assault program.	12
	Assess investigative units’ timeliness and resources to determine how to improve timeliness of processing sexual assault investigations; identify resources needed to improve timeliness for investigators.	15
	Address the challenges faced by male employees by developing clear goals with associated metrics to drive the changes needed to address sexual assaults of males and articulate these goals, for example, in the department’s next sexual assault prevention strategy.	18
	Track the completion time of inquiries into sexual harassment complaints, including management taking any disciplinary or adverse action taken, in some type of shared information technology system.	23
	Consider using an independent/external agency to conduct surveys, which may increase response rates.	30, 31

Abbreviations

CDC	Centers for Disease Control and Prevention
DHS.....	U.S. Department of Homeland Security
DOD.....	U.S. Department of Defense
DOJ.....	U.S. Department of Justice
DOT	U.S. Department of Transportation
FS	U.S. Forest Service
GAO.....	U.S. Government Accountability Office
IG	Inspector General
OIG	Office of Inspector General
TIGTA.....	U.S. Treasury Inspector General for Tax Administration
USDA.....	U.S. Department of Agriculture

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