

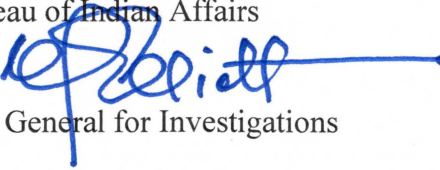


OFFICE OF  
**INSPECTOR GENERAL**  
U.S. DEPARTMENT OF THE INTERIOR

SEP 18 2017

Memorandum

To: Debrah McBride  
Chief of Staff, Bureau of Indian Affairs

From: Matthew T. Elliott   
Assistant Inspector General for Investigations

Subject: Management Advisory – Training Gap Revealed During Investigation  
Case No. OI-PI-17-0481-I

We recently concluded an investigation into allegations that a BIA employee working with the Colorado River Indian Tribes (CRIT) had harassed several CRIT employees and tribal members by sending them sexually explicit text and Facebook messages. The BIA employee resigned after we opened our investigation, but not before multiple complaints of harassment had been lodged.

We found that BIA officials failed to take appropriate action to address the BIA employee's misconduct, in large part due to erroneous advice from a BIA human resources professional. On several occasions, the officials forwarded complaints about the employee to the HR professional, but each time the HR professional advised them that because the complaints were not Federal employees themselves, the employee's actions were not connected to the workplace; thus, in the HR professional's opinion, the BIA was not responsible for addressing the employee's misconduct.

Our investigative report on this case provides the details of the BIA employee's misconduct and the inadequacy of the BIA's response to it. The purpose of this management advisory is to alert you to deficiencies in the HR professional's experience and training, which contributed to this flawed advice.

We reviewed the HR professional's Federal employment and training history to establish the HR professional's experience with HR and sexual harassment issues. We found that before working at the BIA, the HR professional had worked for 2 years in a similar HR role at another Federal agency. We were told, however, that the HR professional had learned HR duties "on the job" at both the BIA and the other agency, and had not received any formal HR training. In addition, the HR professional remembered occasionally receiving general sexual harassment training as a Federal employee, but the professional had never received any HR-specific sexual harassment training.

Our review of the HR professional's training records confirmed that the HR professional had taken no training related to sexual harassment or standards of ethical conduct for Federal

employees. Another BIA HR employee told us that all new employees were required to take Equal Employment Opportunity and ethics training, but the requirement did not specify whether that training needed to include content related to sexual harassment; HR professionals were also not specifically required to take additional sexual harassment training.

The HR professional's supervisor confirmed that the HR professional had not had any formal HR training since coming to work for the BIA, but the supervisor recalled frequently discussing with the HR professional how to handle serious employee misconduct if an employee's managers were not addressing it. The HR supervisor said that in such a case, an HR professional should take the matter up the chain of command of the manager who was not dealing with the misconduct, or report it to the HR supervisor to ensure action was taken. The HR supervisor acknowledged not specifically discussing sexual harassment with the HR professional and other subordinates, or training them on how to respond to sexual harassment allegations, because until the BIA employee's misconduct was reported no such issues had been raised as a problem area requiring specific attention.

To ensure that the HR professional and any others who may work in a similar role in the future are sufficiently trained to recognize when action should be taken on sexual harassment complaints, and to provide appropriate advice regardless of the involved parties' employment ties to the BIA, we make the following recommendation;

1. Ensure that training on sexual harassment matter is provided to all BIA HR professionals and their supervisors. The training should include all relevant policies, regulations, and ethical standards needed to critically examine a variety of sexual harassment circumstances and provide the best advice in each situation.

Please provide a written response detailing the actions you are taking to address our recommendations within 90 days of the date of this memorandum. You may either email your response to [doioigreferrals@doioig.gov](mailto:doioigreferrals@doioig.gov), or mail it to:

Office of the Inspector General  
U.S. Department of the Interior  
381 Elden Street, Suite 3000  
Herndon, VA 20170

In accordance with the IG Empowerment Act of 2016, we intend to publish the results of this memorandum on our website, in redacted or summary form, no sooner than 3 days from the date we issue it to you. Within the next 10 business days, a representative from our Office of Investigations will contact you, or your designee, to discuss this memorandum and the status of your response.

If you have questions or need further information concerning this matter, please contact me at 202-208-5745.