

REPORT OF INVESTIGATION


SUBJECT [Redacted] Program Analysis Officer Federal Bureau of Investigation [Redacted]		CASE NUMBER 2021-011638
OFFICE CONDUCTING INVESTIGATION Washington Field Office		DOJ COMPONENT Federal Bureau of Investigation
DISTRIBUTION	STATUS	
<input checked="" type="checkbox"/> Field Office WFO	<input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED	
<input type="checkbox"/> AIGINV	PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/> Component FBI	Date of Previous Report:	
<input type="checkbox"/> USA		
<input type="checkbox"/> Other		

SYNOPSIS

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Federal Bureau of Investigation (FBI) that an anonymous complainant alleged that Program Analysis Officer [Redacted] sexually harassed multiple coworkers [Redacted]. [Redacted] also allegedly failed to report [Redacted] allegation of sexual harassment.

During the course of the investigation, the OIG found indications that [Redacted] lacked candor during her compelled interview with the OIG.

The OIG investigation substantiated the allegation that [Redacted] engaged in unprofessional contact of a sexual nature with several FBI employees and sexually harassed several FBI employees, including through both uninvited touching and making sexually suggestive comments. Additionally, the OIG substantiated that [Redacted] failed to report the allegation of sexual harassment. Finally, the OIG substantiated that [Redacted] lacked candor during her compelled interview with the OIG. [Redacted]

DATE May 9, 2023	SIGNATURE [Redacted]
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PREPARED BY SPECIAL AGENT	Digitally signed by Russell W. Cunningham Date: 2023.05.09 06:53:18 -04'00'
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Russell W. Cunningham	
APPROVED BY SPECIAL AGENT IN CHARGE	SIGNATURE 



The OIG interviewed FBI employees who were named in the original anonymous complaint who witnessed unprofessional behavior or were sexually harassed by (b)(6); (b)(7)(C). Additionally, the OIG conducted an initial interview of (b)(6); (b)(7)(C) regarding the incident where (b)(6); (b)(7)(C) attempted to kiss him (b)(6); (b)(7)(C) however, (b)(6); (b)(7)(C) declined the OIG's request for a second, voluntary interview. Multiple witnesses told the OIG (b)(6); (b)(7)(C) frequently made inappropriate sexual jokes, comments, and gestures in the workplace which created an intimidating, hostile, or offensive working environment. Several witnesses provided specific examples of such conduct, such as lifting her leg to ostensibly show her shoe, but knowingly exposing her underwear and groin area to her colleagues. Four different witnesses told the OIG that (b)(6); (b)(7)(C) touched their buttocks without their consent. Multiple witnesses also told OIG that (b)(6); (b)(7)(C) made inappropriate sexual jokes, comments, and innuendos.

In a compelled OIG interview, (b)(6); (b)(7)(C) said she could not recall if she touched the buttocks of her four colleagues, while repeatedly stating it was possible. (b)(6); (b)(7)(C) said she did not recall the incident where she lifted her leg exposing her underwear and groin area to her colleagues. (b)(6); (b)(7)(C) also did not remember making advances on a female colleague, though she admitted telling that colleague (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) denied she attempted to kiss (b)(6); (b)(7)(C) on the lips, but she admitted it may have accidentally happened as she was kissing his cheeks and admitted she was flirting with him during an overseas trip.

In a compelled interview, (b)(6); (b)(7)(C) said he received notice from (b)(6); (b)(7)(C) of (b)(6); (b)(7)(C) actions as soon as he returned from the overseas trip, but, after conferring with (b)(6); (b)(7)(C) decided not to report the incident, but rather provided "verbal counseling" to (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

The United States Attorney's Office (b)(6); (b)(7)(C) declined prosecution.

The OIG has completed its investigation and is providing this report to the FBI for appropriate action.

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).



ADDITIONAL SUBJECTS

(b)(6); (b)(7)(C)



DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Federal Bureau of Investigation (FBI) that an anonymous complainant alleged that Program Analysis Officer [REDACTED] sexually harassed multiple coworkers [REDACTED].

[REDACTED]

[REDACTED] also allegedly failed to report [REDACTED] allegation of sexual harassment.

During the course of the investigation, the OIG found indications that [REDACTED] lacked candor during her compelled interview with the OIG.

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following FBI personnel:

- [REDACTED]
- [REDACTED] Program Analysis Officer
- [REDACTED] then Unit Chief
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Review of the following:

- FBIEmails, UNet Emails, and Lync message records for [REDACTED]
- FBIEmails, UNet Emails, and Lync message records for [REDACTED]

[REDACTED] Sexual Harassment of Multiple FBI Coworkers, Unprofessional Conduct, and Lack of Candor to the OIG

The information provided to the OIG alleged [REDACTED] sexually harassed multiple FBI coworkers and engaged in unprofessional conduct. The information stated [REDACTED] told inappropriate jokes in the workplace, exposed herself to a coworker, touched the buttocks of multiple coworkers, and attempted to kiss [REDACTED]

[REDACTED] while on temporary duty (TDY).

During the course of the investigation, the OIG found indications that [REDACTED] lacked candor during her compelled interview.

Attorney General Policy Memorandum #2015-04 – Prevention of Harassment in the Workplace, dated October 9, 2015, states in part:

The Department of Justice will maintain a zero-tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other impermissible factor.... Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

To enforce this zero-tolerance policy, the Department will treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment. Even where a single utterance of an ethnic, sexual, racial, or other offensive epithet may not be severe enough to constitute unlawful harassment in violation of Title VII, it is the Department's view that such conduct must be prevented whenever possible through awareness, robust policies and effective and appropriate follow-up, investigation, and enforcement of the zero-tolerance policy.

FBI Offense Code 5.20, entitled "Sexual Harassment" prohibits "[m]aking unwelcome or unwanted sexual advances, requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature. Unwelcome conduct of a sexual nature by a supervisor or a coworker can constitute sexual harassment."

There are separate FBI offense codes applicable to "Unprofessional Conduct" depending on whether the employee was engaged in conduct while on duty or off duty. Offense Code 5.22, Unprofessional Conduct – On Duty, applies to misconduct not otherwise delineated in a specific Offense Code and prohibits FBI employees from, "engaging in conduct, while on duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee; or compromises the standing of the employee among his peers or the community." Offense Code 5.21, Unprofessional Conduct – Off Duty, prohibits employees from "engaging in conduct, while off duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee, or compromises the standing of the employee among his peers or his community."

FBI Harassment Policy, 1038D, defines "Sexual Harassment" as:

[A] form of harassment based on sex and is characterized by (1) unwelcome sexual advances; (2) requests for sexual favors; and (3) other verbal, nonverbal, or physical conduct of a sexual nature that is directed at an individual of the same or opposite sex when:

Submission to, or rejection of, this conduct by an individual is made a term or a condition of an individual's employment, either explicitly or implicitly.

[Or] [t]his conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include, but is not limited to:

- Oral or written comments of a sexual nature.
- Statements, jokes, or anecdotes with sexual content or innuendos.
- Sexual comments or gestures regarding an individual's body.
- Gestures that contain sexual innuendos or are sexually degrading in nature.
- Physical touching or the threat of physical contact.
- Display of posters, calendars, books, pictures, diagrams, or magazines with sexual content.
- Persistent pressuring of an individual for a date or a sexual encounter.

(Section numbers omitted.)

Title VII of the Civil Rights Act, as implemented by 29 C.F.R. § 1604.11, provides: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

(b)(6); (b)(7)(C) defines Misdemeanor Sexual Abuse as "Whoever engages in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission, shall be imprisoned for not more than 180 days and, in addition, may be fined in an amount not more than the amount set forth in (b)(6); (b)(7)(C) defines "sexual contact" as "the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person." (b)(6); (b)(7)(C)

FBI Offense Code 2.6, entitled "Lack of Candor/Lying – Under Oath," prohibits, "[k]nowingly providing false information in a verbal or written statement made under oath." "False Information" is defined as including "false statements, misrepresentations, the failure to be fully forthright, or the concealment or omission of a material fact/information."

(b)(6); (b)(7)(C) told the OIG that while TDY (b)(6); (b)(7)(C) kissed [him] on the mouth" and the encounter was unsolicited and unwanted. (b)(6); (b)(7)(C) stated he was not interested in pursuing charges against (b)(6); (b)(7)(C) for this behavior. After this initial contact, (b)(6); (b)(7)(C) declined to participate in a second, full interview with the OIG.

(b)(6); (b)(7)(C) told OIG (b)(6); (b)(7)(C) told her about an incident in which (b)(6); (b)(7)(C) "tried to kiss" him. (b)(6); (b)(7)(C) could not recall when (b)(6); (b)(7)(C) told her about the incident or when it occurred. According to (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) "I was taken aback, and I don't know if I should file or what to do, so I called (b)(6); (b)(7)(C)

During a compelled OIG interview (b)(6); (b)(7)(C) confirmed he was (b)(6); (b)(7)(C) supervisor in (b)(6); (b)(7)(C) when he was a Unit Chief (b)(6); (b)(7)(C) According to (b)(6); (b)(7)(C) the first incident relating to (b)(6); (b)(7)(C) behavior occurred in approximately (b)(6); (b)(7)(C) and involved (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said he received a text message from (b)(6); (b)(7)(C) on either a (b)(6); (b)(7)(C) which asked (b)(6); (b)(7)(C) to call (b)(6); (b)(7)(C) because he wanted to discuss an incident that happened between him and (b)(6); (b)(7)(C) According to (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) over the phone that he took (b)(6); (b)(7)(C) to the airport, and as they were saying their goodbyes (b)(6); (b)(7)(C) lips touched his lips and (b)(6); (b)(7)(C) thought it was intentional. (b)(6); (b)(7)(C) recalled spending about an hour and fifty minutes on the phone with (b)(6); (b)(7)(C) discussing the incident in detail. According to (b)(6); (b)(7)(C) said when he went to say goodbye to (b)(6); (b)(7)(C) they went to give each other a kiss on the cheek, from one side to the other, but (b)(6); (b)(7)(C) lips touched his lips. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) told him he thought the kiss was intentional because (b)(6); (b)(7)(C) "lips were wet." (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) was adamant it was intentional because the only reason somebody's lips would be wet was to kiss somebody. (b)(6); (b)(7)(C) said he asked (b)(6); (b)(7)(C) if, during the trip, were there any unwanted comments, gazes, text messages, or touching by (b)(6); (b)(7)(C) to which (b)(6); (b)(7)(C) replied, "No." (b)(6); (b)(7)(C) said he also asked if

(b)(6); (b)(7)(C) said anything before or after the kiss that led him to believe the kiss was intentional, to which (b)(6); (b)(7)(C) replied, "No." (b)(6); (b)(7)(C) said nobody else saw the incident. (b)(6); (b)(7)(C) said that he thought the allegations were "extraordinary" and that he took them "very seriously."

(b)(6); (b)(7)(C) told the OIG that during the after-trip review with (b)(6); (b)(7)(C) he asked (b)(6); (b)(7)(C) if she kissed (b)(6); (b)(7)(C) at the airport and her reaction was, "What are you talking about?" (b)(6); (b)(7)(C) said he asked her, "Could it be that when you gave him a kiss goodbye, that you may have brushed his lips?" According to (b)(6); (b)(7)(C) responded that she "thought it was ridiculous." (b)(6); (b)(7)(C) said he told (b)(6); (b)(7)(C) that he talked to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) interpreted the situation as (b)(6); (b)(7)(C) trying to kiss him. According to (b)(6); (b)(7)(C) reaction was, "Absolutely not, not even close." (b)(6); (b)(7)(C) said that during the discussion, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that moving forward, there would be no (b)(6); (b)(7)(C) goodbyes" from (b)(6); (b)(7)(C) either overseas or in the office. According to (b)(6); (b)(7)(C) appeared shocked, angry, and embarrassed, and indicated that she thought (b)(6); (b)(7)(C) was being unfair with her, but ultimately agreed. (b)(6); (b)(7)(C) said he told (b)(6); (b)(7)(C) it was a "verbal counseling" and that there was "no paper," but to consider it counseling because the matter was "serious." (b)(6); (b)(7)(C) said he did not have any documentation that he verbally counseled (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) recalled a second incident where he addressed (b)(6); (b)(7)(C) behavior with her. The second incident occurred in (b)(6); (b)(7)(C) during a TDY (b)(6); (b)(7)(C) said during a soccer event with foreign partners, (b)(6); (b)(7)(C) approached (b)(6); (b)(7)(C) and said, "I want you to know that (b)(6); (b)(7)(C) walked by a (b)(6); (b)(7)(C) counterpart, and she put her hands on the shoulders of the male foreign partner." (b)(6); (b)(7)(C) recalled speaking to (b)(6); (b)(7)(C) about the incident shortly after (b)(6); (b)(7)(C) informed him. According to (b)(6); (b)(7)(C) admitted she touched the shoulders of the foreign partner, but said it was in a "good game, good job...the same thing that you're doing with these guys...slapping them on the back." (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) "You are female, they're male, we're overseas. You're a (b)(6); (b)(7)(C) FBI representative. You can't seem 'overly friendly' because "they could misinterpret it." (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) agreed, and they never discussed the matter again.

(b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was loud and is "old school," meaning she came from a (b)(6); (b)(7)(C) atmosphere where you must be direct and hold people accountable for their work and actions. (b)(6); (b)(7)(C) said that due to this way of acting, (b)(6); (b)(7)(C) "rubbed a lot of people the wrong way." (b)(6); (b)(7)(C) recalled there were always tensions between (b)(6); (b)(7)(C) and others (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said he constantly provided (b)(6); (b)(7)(C) mentorship and supervisory advice because she aspired to be a (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that he first met (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) when he was assigned to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) was in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that during that time he would frequently interact with (b)(6); (b)(7)(C) in the (b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) as having "adult humor." (b)(6); (b)(7)(C) said he could see how people could be offended by (b)(6); (b)(7)(C) comments, but he was never offended or felt she was unprofessional. (b)(6); (b)(7)(C) recalled a conversation a (b)(6); (b)(7)(C) with several (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) as (b)(6); (b)(7)(C) was walking away from the conversation, she grabbed (b)(6); (b)(7)(C) buttocks. (b)(6); (b)(7)(C) described the touch as an "atta boy, locker room...kind of slap." (b)(6); (b)(7)(C) said he thought to himself, "holy cow, she just, like, slapped me on my ass." (b)(6); (b)(7)(C) described the incident as "a shocker" and "uncomfortably close," but said he "took it...kind of as a joke." (b)(6); (b)(7)(C) confirmed the encounter was unsolicited and unwanted.

(b)(6); (b)(7)(C) told the OIG that he worked at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said he observed (b)(6); (b)(7)(C) grab the buttocks of (b)(6); (b)(7)(C) According to (b)(6); (b)(7)(C) during a conversation about clothing in the office, (b)(6); (b)(7)(C) said to (b)(6); (b)(7)(C) "I want to see how comfortable your pants are so, I am going to grab your ass." (b)(6); (b)(7)(C) recalled (b)(6); (b)(7)(C) reached out and squeezed

(b)(6); (b)(7)(C) buttock. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) reacted with a nervous laugh, and that (b)(6); (b)(7)(C) reacted by saying something to the effect of "oh, just relax, you know, it's okay."

(b)(6); (b)(7)(C) said he would frequently interact with (b)(6); (b)(7)(C) said his relationship with (b)(6); (b)(7)(C) was "strictly professional" and he never "hung out with" (b)(6); (b)(7)(C) "on a personal level, outside of [the] office." (b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) as "flirty" and said she "gets very close to people." (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) liked to make "shocking" comments and jokes in the office. (b)(6); (b)(7)(C) felt (b)(6); (b)(7)(C) comments made people feel uncomfortable in the workplace. For example, (b)(6); (b)(7)(C) said that on one occasion (b)(6); (b)(7)(C) said, "I am really good at two things. Cooking is one of them, and I can't tell you what the other thing is, but it involves my mouth." (b)(6); (b)(7)(C) said he believed (b)(6); (b)(7)(C) made that statement to (b)(6); (b)(7)(C) who confirmed similar comments as described below. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) told him about a TDY overseas trip where (b)(6); (b)(7)(C) met an (b)(6); (b)(7)(C) who "was really buff, and big." According to (b)(6); (b)(7)(C) continuously made comments about what she wanted to do with the (b)(6); (b)(7)(C) including see him with his shirt off and get him in her training program. (b)(6); (b)(7)(C) confirmed the statements from the overseas trip, adding that these comments were made in front of (b)(6); (b)(7)(C) "boss's boss," another employee, and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) detailed that during a happy hour event, (b)(6); (b)(7)(C) while wearing a revealing dress, grabbed her breasts, pushed them up, and said to a group of people, "You know how many drinks I have because the zipper goes down lower and lower as the night goes on." (b)(6); (b)(7)(C) told the OIG, "It wasn't joking. It was...very sexual in nature."

(b)(6); (b)(7)(C) detailed (b)(6); (b)(7)(C) has put her arm around or hugged him on several occasions while she discussed various topics. (b)(6); (b)(7)(C) said the touching was unwanted and made him uncomfortable. (b)(6); (b)(7)(C) said that he never told (b)(6); (b)(7)(C) to stop that type of behavior, but he said, "I just kind of distanced myself from her, just because I don't like physical contact as it is, in general."

(b)(6); (b)(7)(C) said he and (b)(6); (b)(7)(C) live in the same apartment building. (b)(6); (b)(7)(C) said starting in (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C) supervisor. (b)(6); (b)(7)(C) saw (b)(6); (b)(7)(C) in the building on approximately 6-12 occasions. (b)(6); (b)(7)(C) recalled around (b)(6); (b)(7)(C) he saw (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) walking into the building together and (b)(6); (b)(7)(C) saw (b)(6); (b)(7)(C) with his new puppy. According to (b)(6); (b)(7)(C) said to (b)(6); (b)(7)(C) "I want to pet your puppy." However, (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) made this comment "not [like] a normal person would say it," but rather said it with an underlying sexual tone behind it.

(b)(6); (b)(7)(C) recalled a (b)(6); (b)(7)(C) conversation at (b)(6); (b)(7)(C) among (b)(6); (b)(7)(C) and him. According to (b)(6); (b)(7)(C) was in (b)(6); (b)(7)(C) cubicle, and they were talking about her shoes. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) who was wearing a dress, then said to (b)(6); (b)(7)(C) you want to see my shoes?" (b)(6); (b)(7)(C) who was sitting down, then lifted her leg in the air to show the sole of her shoes and intentionally exposed her underwear and groin area. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) responded, "Oh my God." (b)(6); (b)(7)(C) said he reacted by laughing and saying, "Do you know what you just did?" (b)(6); (b)(7)(C) responded by laughing. (b)(6); (b)(7)(C) corroborated the incident, adding she was certain (b)(6); (b)(7)(C) was able to see "way up her inner thighs." (b)(6); (b)(7)(C) felt (b)(6); (b)(7)(C) was "throwing it out there" to (b)(6); (b)(7)(C) said that she was in shock.

(b)(6); (b)(7)(C) told the OIG that she met (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) stated she had only a professional relationship with (b)(6); (b)(7)(C) said she always tried to stay away from (b)(6); (b)(7)(C) because she did not agree with how she carried herself, personally or professionally. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was never on time and always missed work deadlines. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) makes "sexual jokes" in "almost every conversation," and she tells jokes that refer to sexual acts, during conversations in the workplace. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) jokes usually occur "after hours" and (b)(6); (b)(7)(C) has not heard the jokes "during regular work hours."

(b)(6); (b)(7)(C) detailed an incident that occurred on a TDY, in which she was walking up stairs and (b)(6); (b)(7)(C) who was behind her, slapped her buttocks. (b)(6); (b)(7)(C) said she turned around and told (b)(6); (b)(7)(C) to never do that again, that she did not

like it, and she was not that kind of friend. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) said she was sorry and (b)(6); (b)(7)(C) never did anything like that again. (b)(6); (b)(7)(C) felt (b)(6); (b)(7)(C) slapped her buttocks as a joke.

(b)(6); (b)(7)(C) told OIG that she had worked with (b)(6); (b)(7)(C) for several years. (b)(6); (b)(7)(C) said she "had a couple of encounters" with (b)(6); (b)(7)(C) that have caused her to try to "pull away from having to be related to her, either in a personal or professional way." (b)(6); (b)(7)(C) further said (b)(6); (b)(7)(C) was not the "most professional person" and made inappropriate comments, which made people feel uncomfortable. (b)(6); (b)(7)(C) detailed a conversation she had with (b)(6); (b)(7)(C) in the office during which (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that she had stayed at a (b)(6); (b)(7)(C) hotel where there were other FBI employees staying. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) made sexual comments to her about (b)(6); (b)(7)(C) she saw at the pool with his shirt off. According to (b)(6); (b)(7)(C) also commented on how a different FBI employee liked black women instead of white women.

(b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) touched her buttocks while they were at a Starbucks, (b)(6); (b)(7)(C) According to (b)(6); (b)(7)(C) rubbed (b)(6); (b)(7)(C) buttocks with her hand and then said, "Oh, let me clean your pants," as if (b)(6); (b)(7)(C) had a hair on her pants. (b)(6); (b)(7)(C) felt (b)(6); (b)(7)(C) said that as an excuse so she could touch (b)(6); (b)(7)(C) buttocks. (b)(6); (b)(7)(C) said she did not say anything and tried to just "brush off" the situation. (b)(6); (b)(7)(C) recalled that she and another coworker who was with her at the time rolled their eyes at each other after the incident happened because they were accustomed to (b)(6); (b)(7)(C) personality.

(b)(6); (b)(7)(C) confirmed he worked, went to happy hours, and traveled TDY with (b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) as loud, having a big personality, and having an adult sense of humor. (b)(6); (b)(7)(C) felt these traits become more obvious at happy hour events.

In an OIG interview, (b)(6); (b)(7)(C) confirmed she worked with (b)(6); (b)(7)(C) since approximately (b)(6); (b)(7)(C) recalled while in a hallway at (b)(6); (b)(7)(C) "patted my bottom." (b)(6); (b)(7)(C) described the touching as "two little pats" on the bottom of her buttock. (b)(6); (b)(7)(C) remembered being upset and said, "Dude!" (b)(6); (b)(7)(C) said she was on her way to a meeting and did not discuss the incident any further with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that this incident occurred in front of a male coworker, and she was concerned about what the coworker might think.

(b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) made inappropriate statements with sexual innuendos at work, and (b)(6); (b)(7)(C) did not consider them jokes. For example (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) told others in the office "at least a dozen times" that she had a naked picture of herself, described herself as "hot" in the picture, and said, "I would do me." According to (b)(6); (b)(7)(C) would also talk in the office about "how many people she'd sept with" while overseas. (b)(6); (b)(7)(C) said that on another occasion in the office (b)(6); (b)(7)(C) described at length, using hand motions, how she would please her husband sexually. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) would talk loudly about these subjects, so that others "couldn't block it out" and that "she's made—it's like everything is sexual." According to (b)(6); (b)(7)(C) would also rub male coworkers on the back and arms.

(b)(6); (b)(7)(C) said during a TDY (b)(6); (b)(7)(C) in approximately (b)(6); (b)(7)(C) while alone with (b)(6); (b)(7)(C) said, "I like your personality, I like you, you're cool." According to (b)(6); (b)(7)(C) repeated this a couple of times and then on one occasion said, "(b)(6); (b)(7)(C) and I'm interested in you." (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) she had a boyfriend, and she was not interested in (b)(6); (b)(7)(C) like that. (b)(6); (b)(7)(C) said the situation was "awkward and uncomfortable." (b)(6); (b)(7)(C) said the incident occurred at the beginning of the TDY and that after the incident (b)(6); (b)(7)(C) would often come to her hotel room and call her on the phone to hang out. (b)(6); (b)(7)(C) further said that even when they returned to the U.S., (b)(6); (b)(7)(C) "just really laid [it] on," including with text messages. (b)(6); (b)(7)(C) described the situation as "weird." (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was "not happy" that (b)(6); (b)(7)(C) did not want to hang-out with her during the TDY, to the point where she became "jerky" with her. (b)(6); (b)(7)(C) said after the incident, (b)(6); (b)(7)(C) talked negatively about her behind her back to both her boss (b)(6); (b)(7)(C) and to another FBI employee (b)(6); (b)(7)(C) said she had concerns that denying (b)(6); (b)(7)(C) advances could negatively affect her job because (b)(6); (b)(7)(C) could call her "friends" to influence (b)(6); (b)(7)(C) not being selected for a position.

(b)(6); (b)(7)(C) generally corroborated (b)(6); (b)(7)(C) testimony on the incident in (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) though (b)(6); (b)(7)(C) could not place the exact location. (b)(6); (b)(7)(C) said he first met (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) and had frequent contact with (b)(6); (b)(7)(C) but she was assigned to a different unit. (b)(6); (b)(7)(C) said approximately in (b)(6); (b)(7)(C) approached him and said she felt (b)(6); (b)(7)(C) "came onto her in a sexual way and she was not comfortable with it." (b)(6); (b)(7)(C) could not place where the event occurred, but though it could have been (b)(6); (b)(7)(C) told him the issue occurred after work hours when they were drinking wine. (b)(6); (b)(7)(C) thought (b)(6); (b)(7)(C) mentioned how (b)(6); (b)(7)(C) "wanted to sleep with her." (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) if she had talked to (b)(6); (b)(7)(C) about the situation to make sure (b)(6); (b)(7)(C) knew how she felt and if (b)(6); (b)(7)(C) wanted to make an official complaint against (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) "didn't want to get anything started" and said she would talk to (b)(6); (b)(7)(C) about the situation. (b)(6); (b)(7)(C) said he followed up a few weeks later with (b)(6); (b)(7)(C) and asked about the status of her issue. (b)(6); (b)(7)(C) confirmed she talked with (b)(6); (b)(7)(C) and said (b)(6); (b)(7)(C) was leaving her alone and there was no need to file a complaint.

(b)(6); (b)(7)(C) also described a situation in approximately (b)(6); (b)(7)(C) where (b)(6); (b)(7)(C) said, "Hey Papi" to (b)(6); (b)(7)(C) while at (b)(6); (b)(7)(C) described the context of the expression as "flirtatious" and "cutesy." (b)(6); (b)(7)(C) compared it to a male saying, "hey sweetie." After (b)(6); (b)(7)(C) said "Hey Papi" to (b)(6); (b)(7)(C) he pulled her aside (either in his office or a hallway) and said he did not like the comment, and it was not appropriate to say in the workplace. (b)(6); (b)(7)(C) responded by saying, "I apologize, no worries, it won't happen again." Several months later, (b)(6); (b)(7)(C) said "Hey Papi" again to (b)(6); (b)(7)(C) said, (b)(6); (b)(7)(C) we talked about this." (b)(6); (b)(7)(C) said, "Oh yeah" and the matter was not discussed further.

(b)(6); (b)(7)(C) told the OIG that he worked with (b)(6); (b)(7)(C) for several years. (b)(6); (b)(7)(C) described their personal relationship as "friendly" but never spent time together outside of the workplace. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) sense of humor was often "sexual in nature" and "not very work appropriate." (b)(6); (b)(7)(C) recalled approximately two years ago, at (b)(6); (b)(7)(C) while (b)(6); (b)(7)(C) was preparing for a conference in (b)(6); (b)(7)(C) told him he should go because "people like to have sex there" and "he could get lucky and have a threesome." (b)(6); (b)(7)(C) said, "If (b)(6); (b)(7)(C) and I were there we could all have a threesome."

(b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) would walk by him and say, "You look hot today" and would highlight the fact she was wearing tight clothes. (b)(6); (b)(7)(C) would squeeze her breasts together and/or pull down her shirt to accentuate her cleavage. (b)(6); (b)(7)(C) also told (b)(6); (b)(7)(C) how firm her breasts were. (b)(6); (b)(7)(C) said he has "thick skin" and was not offended by (b)(6); (b)(7)(C) behavior but knew other people were probably offended. (b)(6); (b)(7)(C) recalled (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) she had sexual dreams about him that implied the dreams involved them performing sexual acts on each other. (b)(6); (b)(7)(C) said he usually dismissed (b)(6); (b)(7)(C) comments and joked that he even thought, "I hope I don't get OIG'd for this." (b)(6); (b)(7)(C) said he would just let (b)(6); (b)(7)(C) "have her fun and walk away."

(b)(6); (b)(7)(C) said he never counseled (b)(6); (b)(7)(C) about her behavior or comments because he felt it was not his job or role to say something. (b)(6); (b)(7)(C) heard (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) may have informally counseled (b)(6); (b)(7)(C) about her language but was not certain.

(b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) made sexual comments around (b)(6); (b)(7)(C) and discussed having a threesome between them and (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was initially dismissive about the comments, but as the comments continued, "it became worse for (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) never voiced concerns to him but based his conclusion about (b)(6); (b)(7)(C) feelings on her body language.

During a compelled interview, (b)(6); (b)(7)(C) was asked about an incident where she kissed (b)(6); (b)(7)(C) while at the airport in (b)(6); (b)(7)(C) said she heard about the complaint after the fact and did not realize at the time (b)(6); (b)(7)(C) was uncomfortable with their interaction. (b)(6); (b)(7)(C) said while they were departing the airport (b)(6); (b)(7)(C) everybody was giving farewell side kisses from cheek to cheek, as part of a traditional cultural goodbye gesture. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were also present. (b)(6); (b)(7)(C) detailed how the kiss happened as they were both facing each

other, she kissed one side of (b)(6); (b)(7)(C) cheek, and then kissed the other cheek. (b)(6); (b)(7)(C) said she did not try and kiss (b)(6); (b)(7)(C) on the mouth but said, "But I don't know if we accidentally, you know, I kissed him side here, side there." (b)(6); (b)(7)(C) was asked whether it was possible that her lips touched (b)(6); (b)(7)(C) lips, she responded, "I didn't attempt to go in for a kiss. Absolutely not. But...it's possible from going from one side to the other.... The perception of that." (b)(6); (b)(7)(C) denied she tried to kiss (b)(6); (b)(7)(C) on the lips. (b)(6); (b)(7)(C) said she only met (b)(6); (b)(7)(C) briefly on two occasions during the trip, that she barely knew him, and she would never have tried to kiss him on the lips. (b)(6); (b)(7)(C) said she thought (b)(6); (b)(7)(C) was good looking and that she did flirt with (b)(6); (b)(7)(C) by smiling at him, showing interest in him, and asking him questions, but denied "coming on to him." (b)(6); (b)(7)(C) acknowledged that (b)(6); (b)(7)(C) did not reciprocate the flirting but said that (b)(6); (b)(7)(C) did not "seem uncomfortable."

(b)(6); (b)(7)(C) at first told the OIG that the only person who brought up the (b)(6); (b)(7)(C) allegation to her was (b)(6); (b)(7)(C) and said that she had never received counseling from a supervisor in connection with the alleged incident. However, (b)(6); (b)(7)(C) then admitted (b)(6); (b)(7)(C) spoke with her about the (b)(6); (b)(7)(C) incident at the airport. She said she was uncertain as to how (b)(6); (b)(7)(C) heard about the incident, which was inconsistent with (b)(6); (b)(7)(C) testimony that he specifically told (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) had disclosed the allegations to (b)(6); (b)(7)(C) said she told (b)(6); (b)(7)(C) she only did the cheek to cheek embrace kiss at the airport and did not try to kiss (b)(6); (b)(7)(C) on the lips. She said she also admitted to (b)(6); (b)(7)(C) that she flirted with (b)(6); (b)(7)(C). However, (b)(6); (b)(7)(C) insisted that, "there was no counseling," but rather an informal conversation because she and (b)(6); (b)(7)(C) are friends. According to (b)(6); (b)(7)(C) did not give her a formal counseling but told her, "You got to watch these people."

(b)(6); (b)(7)(C) told the OIG that said she had coworkers approach her and inform her that things she said were inappropriate; however, she could not identify anything specific, and denied she had ever been formally counseled for inappropriate behavior within the workplace. (b)(6); (b)(7)(C) described herself as a "hugger and a close talker," but she did not recall a situation where somebody complained about that conduct. (b)(6); (b)(7)(C) also denied she ever bragged about a sexual conquest in the workplace.

(b)(6); (b)(7)(C) admitted she flirted with (b)(6); (b)(7)(C) but denied having a romantic relationship with him. (b)(6); (b)(7)(C) described the flirting as a "back and forth banter" and said that she discussed with (b)(6); (b)(7)(C) that "some time we could hook up." (b)(6); (b)(7)(C) said the flirting with (b)(6); (b)(7)(C) was always mutual.

(b)(6); (b)(7)(C) was asked about a situation that occurred in approximately (b)(6); (b)(7)(C) where she lifted her leg in the air, to show off a pair of high heeled shoes, and exposed her underwear and groin area to (b)(6); (b)(7)(C) said she did not recall the situation, but that it could have possibly happened if she showed (b)(6); (b)(7)(C) her shoe. (b)(6); (b)(7)(C) said if she did lift her leg up, any exposure was unintentional. (b)(6); (b)(7)(C) reaffirmed several times she did not recall the incident but said if she did expose herself to a coworker, she was completely unaware, and the situation was never brought to her attention.

(b)(6); (b)(7)(C) was asked about a situation in which (b)(6); (b)(7)(C) claimed she touched her buttocks. (b)(6); (b)(7)(C) said she did not specifically remember grabbing (b)(6); (b)(7)(C) buttocks, but (b)(6); (b)(7)(C) confirmed she has hugged (b)(6); (b)(7)(C) because (b)(6); (b)(7)(C) "had a lot of challenges." (b)(6); (b)(7)(C) explained that (b)(6); (b)(7)(C) had challenges with her health and boyfriend. (b)(6); (b)(7)(C) also described (b)(6); (b)(7)(C) as a "fragile, fragile lady." (b)(6); (b)(7)(C) said, "I can see myself putting my arm around her. I can't see myself putting my hand on her butt though." (b)(6); (b)(7)(C) was pressed further about the alleged incident and said, "I can see where I've maybe, maybe was mistaken, or maybe it was misinterpreted. But no." (b)(6); (b)(7)(C) continued to claim she did not recall the incident.

(b)(6); (b)(7)(C) said in approximately (b)(6); (b)(7)(C) on a TDY (b)(6); (b)(7)(C) she recalled drinking red wine with (b)(6); (b)(7)(C) on a patio at their hotel. (b)(6); (b)(7)(C) said she walked (b)(6); (b)(7)(C) back to her room because (b)(6); (b)(7)(C) was very inebriated. (b)(6); (b)(7)(C) was asked if she made advances toward (b)(6); (b)(7)(C) by telling her (b)(6); (b)(7)(C) and interested in her. (b)(6); (b)(7)(C) confirmed she told (b)(6); (b)(7)(C) but did not think it was during the TDY. (b)(6); (b)(7)(C) denied making advances toward (b)(6); (b)(7)(C) and said, "I can remember the event, or I mean, the evening. I

don't know if she misconstrued my getting her to her room as that. I don't know." (b)(6); (b)(7)(C) continued to deny making advances and said she did not know exactly what she had said because it happened long ago. (b)(6); (b)(7)(C) also denied trying to continuously hang-out with (b)(6); (b)(7)(C) during the TDY. (b)(6); (b)(7)(C) said they had specific tasks during the trip, the trip was short, she had meetings (b)(6); (b)(7)(C) and she only saw (b)(6); (b)(7)(C) a "couple of times" during the trip.

(b)(6); (b)(7)(C) admitted she talked negatively about (b)(6); (b)(7)(C) at the office but said she did so because of (b)(6); (b)(7)(C) work performance. (b)(6); (b)(7)(C) said "everybody talks about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) has a lot of challenges with a lot of people in the office, I'm not the only one." (b)(6); (b)(7)(C) stressed that her negative talk about (b)(6); (b)(7)(C) only had to do with (b)(6); (b)(7)(C) work performance and not about the incident. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) was asked if she ever slapped (b)(6); (b)(7)(C) buttocks at (b)(6); (b)(7)(C) said she did not recall ever touching (b)(6); (b)(7)(C) buttocks. (b)(6); (b)(7)(C) stated she had a contentious relationship with (b)(6); (b)(7)(C) because she had to hold (b)(6); (b)(7)(C) "accountable for some things," such as not completing tasks in a timely manner because "she doesn't want anybody to help her out things." (b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) as "very defensive" and "very high, high, high emotional, high strung at work." During the interview, (b)(6); (b)(7)(C) was pressed about whether she had ever touched (b)(6); (b)(7)(C) buttocks and continued to state she did not recall the situation. (b)(6); (b)(7)(C) admitted she hugged (b)(6); (b)(7)(C) but could not recall a specific incident where she touched her buttocks, even in a joking manner. (b)(6); (b)(7)(C) stated, "I don't recall. I mean, I would tell you. I would tell you if I recalled slapping her butt. I don't recall slapping (b)(6); (b)(7)(C) butt."

(b)(6); (b)(7)(C) was asked if she ever touched (b)(6); (b)(7)(C) buttocks at Starbucks. (b)(6); (b)(7)(C) claimed she has hugged and put her arm around (b)(6); (b)(7)(C) but said "I don't recall full rubbing her ass." (b)(6); (b)(7)(C) was informed the allegation was that she touched (b)(6); (b)(7)(C) buttocks and then claimed she was removing a piece of hair off her buttocks. (b)(6); (b)(7)(C) said, "I have that relationship with (b)(6); (b)(7)(C) I could see if I pulled a hair. I don't remember that incident. But I could see myself pulling a hair." (b)(6); (b)(7)(C) was pressed about the incident and repeated several times that she did not recall the incident. After (b)(6); (b)(7)(C) consulted with her attorney, she eventually said, "I can probably say that I've put my hand on (b)(6); (b)(7)(C) backside, yeah." (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) never told her not to touch her and explained how she had just been at (b)(6); (b)(7)(C) home gardening, the previous weekend. (b)(6); (b)(7)(C) final comments on the incident were, "It's a possibility that yes, I've touched (b)(6); (b)(7)(C) butt. And I've hugged her. And I've made comments that she looks good."

(b)(6); (b)(7)(C) was asked about an incident which involved her touching (b)(6); (b)(7)(C) buttocks at (b)(6); (b)(7)(C) in which she allegedly said she wanted to feel his workout pants. (b)(6); (b)(7)(C) said, "I could possibly have said something inappropriate like that...and I could have possibly have [sic] grabbed his ass." (b)(6); (b)(7)(C) further said, "I could have. It could have possibly happened. I mean, I don't recall the pants, but I can see—I flirted with (b)(6); (b)(7)(C) before. And I have probably said some things to him. And that could have possibly happened. That I touched him." When pressed about the incident, (b)(6); (b)(7)(C) response was, "It could have happened. Yeah."

(b)(6); (b)(7)(C) was asked why she could not recall any of the situations or recall if she ever slapped anybody's buttocks at the workplace. (b)(6); (b)(7)(C) responded, "I don't know if I have or not. I mean, I don't want to sound stupid or I'm trying to deny, trying to be evasive. I could have. I could have. I could have maybe, you know, touched somebody on the butt. I could have done that not with any malice or sexual...way." She then went on to acknowledge, "I'm a touchy person" and "I could have touched somebody's butt without really thinking about it. And it could have been misperceived as something more than what it was. Nobody has accused me.... Nobody said, don't do that."

The OIG reviewed email and phone records associated with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and did not identify anything pertinent to the allegations. Emails among (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) all appeared professional.

On (b)(6); (b)(7)(C) declined to submit to a voluntary polygraph examination.

OIG's Conclusion

The OIG investigation substantiated the allegations that (b)(6); (b)(7)(C) sexually harassed multiple coworkers and engaged in unprofessional conduct both on and off duty, in violation of FBI Offense Code 5.20, 5.21, and 5.22; the FBI's Harassment Policy (1038D); the Department's April 30, 2018, policy regarding "Sexual Harassment and Sexual Misconduct;" and Title VII of the Civil Rights Act as implemented by 29 C.F.R. § 1604.11. Further, the OIG concluded that (b)(6); (b)(7)(C) engaged in Misdemeanor Sexual Abuse, in violation of (b)(6); (b)(7)(C)

The OIG determined (b)(6); (b)(7)(C) frequently made inappropriate sexual jokes, comments, and gestures in the workplace and physically touched the buttocks of four coworkers: (b)(6); (b)(7)(C). The incidents involving (b)(6); (b)(7)(C) occurred inside FBI office space, and the incident involving (b)(6); (b)(7)(C) occurred during office hours while (b)(6); (b)(7)(C) and another FBI employee were at a local Starbucks. All four coworkers indicated that the conduct was unexpected and unwanted, and there was no evidence any of the incidents were accidental. Rather, based on the testimony that (b)(6); (b)(7)(C) constantly made sexual comments, gestures, and jokes at work that made coworkers feel uncomfortable, we found that the incidents of unwanted touching similarly were sexual in nature. In addition, both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told the OIG that they specifically objected to (b)(6); (b)(7)(C) conduct. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) patted her on the buttocks after (b)(6); (b)(7)(C) specifically told (b)(6); (b)(7)(C) that she was not interested in her romantically. Even if these coworkers had not outwardly objected, in light of the Department's and the FBI's clear zero tolerance policies against sexual harassment in the workplace, (b)(6); (b)(7)(C) should have known that intentionally touching the buttocks of another co-worker with whom she did not have a romantic relationship, even as a joke, constituted inappropriate conduct of a sexual nature. In addition, (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) conduct caused her distress at work, including embarrassment in front of a male coworker and fear that denying (b)(6); (b)(7)(C) sexual advances could negatively impact her career. Moreover, besides the testimony of inappropriately touching co-workers' buttocks, there was significant testimony that (b)(6); (b)(7)(C) constant sexual jokes, comments, and gestures made multiple FBI employees uncomfortable in the workplace. Based on the testimony of these witnesses combined with the fact that (b)(6); (b)(7)(C) acknowledged she might have made inappropriate sexual comments at work and touched coworkers' buttocks, we concluded (b)(6); (b)(7)(C) violated the Department's and the FBI's zero tolerance policy against sexual harassment as well as Title VII of the Civil Rights Act, as implemented by 29 C.F.R. § 1604.11, because these actions all involved "verbal or physical conduct of a sexual nature" which "created an intimidating, hostile, or offensive work environment." In addition, (b)(6); (b)(7)(C) conduct seriously called into question her judgment and character, which we found violated FBI Offense Code 5.21 to the extent it occurred off-duty and FBI Offense Code 5.22 to the extent it occurred on-duty.

We also concluded that (b)(6); (b)(7)(C) actions of slapping or grabbing four co-workers' buttocks without permission, which, for the three incidents that occurred in the (b)(6); (b)(7)(C) amounted to Misdemeanor Sexual Abuse, in violation of (b)(6); (b)(7)(C). All four coworkers told the OIG that they had professional, nonromantic relationships with (b)(6); (b)(7)(C) and her conduct of slapping or grabbing their buttocks was uninvited and surprising or unwelcome. Based on this testimony and the fact all the conduct occurred during work hours, we found (b)(6); (b)(7)(C) should have known that her conduct was without "permission." Moreover, in (b)(6); (b)(7)(C) case, (b)(6); (b)(7)(C) testified that before (b)(6); (b)(7)(C) touched her buttock, (b)(6); (b)(7)(C) had specifically told (b)(6); (b)(7)(C) she had a boyfriend and was not interested in a romantic relationship. We further found that (b)(6); (b)(7)(C) intent was to "abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire" of herself or others, because the conduct was not accidental and (b)(6); (b)(7)(C) did not have a legitimate reason, such as a medical reason, to touch these coworkers' buttocks during work hours. Rather, based on the totality of the circumstances, including the testimony of multiple coworkers that (b)(6); (b)(7)(C) was constantly making sexual comments and jokes at work, (b)(6); (b)(7)(C) testimony (b)(6); (b)(7)(C) told her that she was interested in (b)(6); (b)(7)(C) romantically, (b)(6); (b)(7)(C) admissions that she flirted with (b)(6); (b)(7)(C) and found (b)(6); (b)(7)(C) attractive, and (b)(6); (b)(7)(C) descriptions of the contentious relationships she had with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) we found that (b)(6); (b)(7)(C) acts of touching her coworkers' buttocks were sexual in nature and done either for the purpose of sexual gratification or, especially in the cases of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to harass or degrade her coworkers. Even if the conduct was intended as a sexual joke, such intentional conduct in a professional environment was inherently harassing and degrading.

The OIG further found that (b)(6); (b)(7)(C) engaged in unprofessional conduct and sexual harassment when she lifted her leg in the air to show her shoe to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) thus exposing her underwear and groin area in an intentional and provocative manner. (b)(6); (b)(7)(C) told the OIG that she did not recall the incident but admitted it could have happened. While (b)(6); (b)(7)(C) said that if she exposed herself, it was unintentional, both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told the OIG that they believed (b)(6); (b)(7)(C) intentionally showed (b)(6); (b)(7)(C) her groin area, and both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told the OIG that the situation was surprising and uncomfortable. Additionally, (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) would squeeze her breasts together to accentuate her cleavage while commenting how firm her breasts were. We found that this conduct was part of a pattern of sexual harassment against (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) frequent sexual comments and gestures both inside and outside the workplace, including the specific examples described in his testimony above as well as (b)(6); (b)(7)(C) action of frequently putting her arm around (b)(6); (b)(7)(C), made him feel uncomfortable.

The OIG investigation further concluded that (b)(6); (b)(7)(C) intentionally kissed (b)(6); (b)(7)(C) on the lips at the airport (b)(6); (b)(7)(C) stated (b)(6); (b)(7)(C) kissed him on the mouth at the airport and that the encounter was unsolicited and unwanted. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) similarly reported to him (b)(6); (b)(7)(C) had kissed him on the mouth and that he believed the kiss was intentional because (b)(6); (b)(7)(C) lips were wet. (b)(6); (b)(7)(C) acknowledged that while they were departing the airport (b)(6); (b)(7)(C) she gave (b)(6); (b)(7)(C) farewell side kisses from cheek to cheek, as part of a traditional cultural goodbye gesture. (b)(6); (b)(7)(C) testimony regarding her interactions with (b)(6); (b)(7)(C) were inconsistent. On the one hand she told the OIG she would not have wanted to kiss (b)(6); (b)(7)(C) because she did not know him well, and she barely saw him on the TDY because they had different schedules. On the other hand, (b)(6); (b)(7)(C) admitted to flirting with (b)(6); (b)(7)(C) during their TDY. In addition, contrary to (b)(6); (b)(7)(C) report to the OIG and to (b)(6); (b)(7)(C) did not acknowledge her lips touched (b)(6); (b)(7)(C) lips, but only acknowledged that there was a possible misperception. We credited (b)(6); (b)(7)(C) account because we identified no incentive for him to fabricate and his repeated statement to (b)(6); (b)(7)(C) (as told to OIG by (b)(6); (b)(7)(C)) that the situation was "fucking weird" seemed candid. On the other hand, we found it incredible (b)(6); (b)(7)(C) did not remember that her lips had touched (b)(6); (b)(7)(C) lips, given (b)(6); (b)(7)(C) description of the situation as awkward and unusual. Based on (b)(6); (b)(7)(C) inconsistencies and lack of credibility, as well as the multiple allegations by multiple individuals of inappropriate conduct of a sexual nature against her, we concluded that (b)(6); (b)(7)(C) sexually harassed (b)(6); (b)(7)(C) by kissing him on the lips.

The OIG did not credit (b)(6); (b)(7)(C) testimony that she "did not recall" or denying that she had engaged in sexual harassment. (b)(6); (b)(7)(C) repeatedly stated that, while she did not recall whether she touched her co-workers' buttocks, she also stated it "could have" or "probably" happened. The OIG found it inconceivable that (b)(6); (b)(7)(C) could not remember whether she touched her coworkers' buttocks at work, given that such behavior was highly inappropriate for a work environment and therefore should have been memorable. Further, (b)(6); (b)(7)(C) said she had never been counseled by a supervisor concerning her behavior, which contradicted (b)(6); (b)(7)(C) testimony that he made it clear to (b)(6); (b)(7)(C) she had been "verbally counseled" about the event surrounding (b)(6); (b)(7)(C) during which he made it clear to (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) allegations were "serious" and that she had been "verbally counseled" about the event. In response to the allegation, (b)(6); (b)(7)(C) also specifically instructed (b)(6); (b)(7)(C) to "cut out any type of greeting that's typical [of] (b)(6); (b)(7)(C) Additionally, (b)(6); (b)(7)(C) informally counseled (b)(6); (b)(7)(C) on two occasions about her inappropriate language in the workplace. At first, (b)(6); (b)(7)(C) said that the only person who mentioned (b)(6); (b)(7)(C) allegation that she had kissed him was (b)(6); (b)(7)(C) She then acknowledged that she also discussed the incident with (b)(6); (b)(7)(C) but she continued to deny that it was a counseling or reprimand. (b)(6); (b)(7)(C) further denied knowing how (b)(6); (b)(7)(C) found out about the incident, which was inconsistent with (b)(6); (b)(7)(C) testimony that he specifically told (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) had disclosed the allegations to (b)(6); (b)(7)(C) We credited (b)(6); (b)(7)(C) testimony over (b)(6); (b)(7)(C) conflicting testimony because (b)(6); (b)(7)(C) account changed throughout the course of the interview.

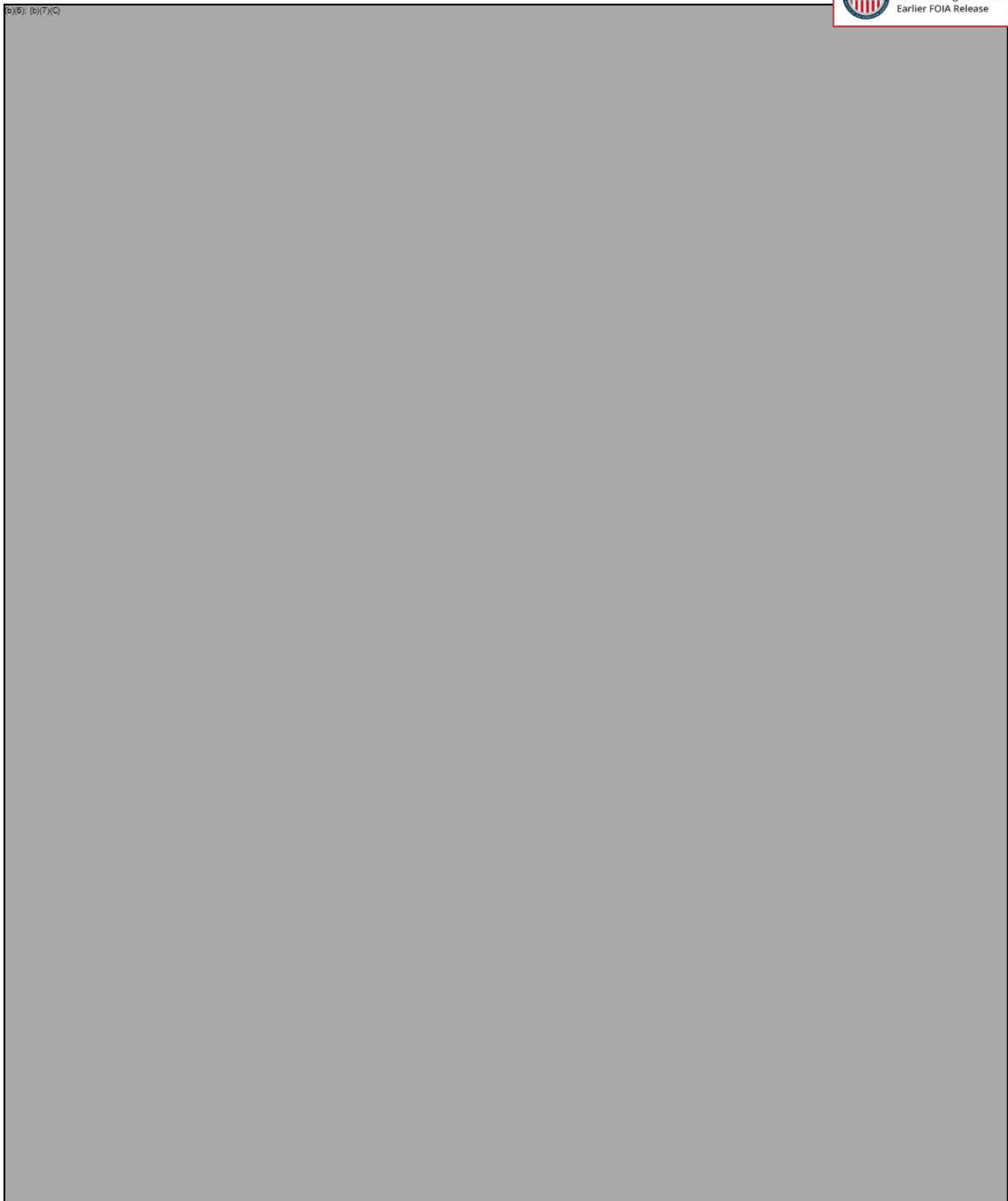
The OIG also concluded that (b)(6); (b)(7)(C) lacked candor during her compelled OIG interview, in violation of FBI Offense Code 2.6, Lack of Candor/Lying – Under Oath, for similar reasons. In particular, (b)(6); (b)(7)(C) inability to remember whether she touched her co-workers' buttocks coupled with her hedging with answers like it "could have" or "probably"

happened was evasive and incredible. In contrast, [REDACTED] was definitive with a “hundred percent surety” that she never touched the buttocks of a foreign colleague. Instead of admitting to or taking responsibility for her conduct, [REDACTED] made excuses—for example, referring to herself as a “touchy” person—and shifted the blame to others—for example referring to [REDACTED] as “very defensive” and “very high, high, high emotional, high strung at work” and referring to [REDACTED] as a “fragile, fragile lady,” who had trouble getting along with co-workers. We found these statements were irrelevant to the questions the OIG posed to [REDACTED] were made solely for the purpose of shifting blame to avoid being truthful and taking responsibility for her misconduct. [REDACTED] testimony about being counseled by a supervisor contradicted [REDACTED] and [REDACTED] testimony. Further, [REDACTED] testimony changed during the interview—at first, she said that the only person who mentioned that she had kissed [REDACTED] was [REDACTED] but then she acknowledged that she also discussed the incident with [REDACTED] yet she continued to deny that it was a counseling or reprimand. [REDACTED] also denied that [REDACTED] ever told her to stop doing any particular actions, as [REDACTED] testified, rather [REDACTED] tacitly blamed [REDACTED] by telling OIG that [REDACTED] said to her, “you know, you got to watch these people.” [REDACTED] testimony about how [REDACTED] found about the incident also contradicted [REDACTED] testimony. [REDACTED] testified that he specifically told [REDACTED] that [REDACTED] had disclosed the allegations to [REDACTED]. [REDACTED] said that [REDACTED] told her that he heard about the allegation from [REDACTED] attributing [REDACTED] knowledge of the allegations to [REDACTED] and not to directly hearing them from the victim [REDACTED] was likely an effort to undermine the strength of the allegations. We credited [REDACTED] testimony over [REDACTED] conflicting testimony because of [REDACTED] changing accounts and general obfuscation throughout the course of the interview.





(b)(6); (b)(7)(C)





(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Failure to Report Allegations of Sexual Harassment

The information provided to the OIG alleged that (b)(6); (b)(7)(C) failed to report (b)(6); (b)(7)(C) allegation that he was sexually harassed by (b)(6); (b)(7)(C)

The Memorandum for Heads of Department Components: "Sexual Harassment and Sexual Misconduct," dated April 30, 2018, states that "Managers or other component-identified points of contact who receive an allegation of sexual harassment or misconduct must report the allegation to a designated management official."

The FBI Harassment Policy at 5.3.2.3. states that once a supervisor is aware of an allegation and finds that it fits within the Policy's definition of "harassment," a "supervisor must take appropriate, immediate action and report the allegation, in writing, to the INSD, Internal Investigations Section (ISS)." The Harassment Policy, at 5.2.2, defines Sexual Harassment as including "Physical touching or the threat of physical contact," "Oral or written comments of a sexual nature," and "Statements, jokes, or anecdotes with sexual content or innuendos." The Harassment Policy at 6.4 further states that "[a] supervisor who is aware of an alleged incident and who fails to take immediate and appropriate action may be subject to disciplinary action, even if the supervisor is not in the employee's chain of command."

(b)(6); (b)(7)(C) told OIG that (b)(6); (b)(7)(C) told him that (b)(6); (b)(7)(C) lips touched his lips and "he thought it was intentional." According to (b)(6); (b)(7)(C) repeatedly told him, "It was fucking weird." (b)(6); (b)(7)(C) said he asked (b)(6); (b)(7)(C) how he wanted him to handle the incident, and (b)(6); (b)(7)(C) responded that he thought (b)(6); (b)(7)(C) should know about the incident because (b)(6); (b)(7)(C) was his employee. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) said he did not want to report the incident.

(b)(6); (b)(7)(C) said that the following workday he looked up the reporting policy but felt the incident did not meet the threshold for a mandatory notification because the allegations were "so nebulous." (b)(6); (b)(7)(C) discussed the allegations with (b)(6); (b)(7)(C) told her "This is serious," and gave her what he called a "verbal counseling." (b)(6); (b)(7)(C) specifically instructed (b)(6); (b)(7)(C) to "cut out any type of greeting that's typical [of] (b)(6); (b)(7)(C)." (b)(6); (b)(7)(C) also conducted an after-trip review with (b)(6); (b)(7)(C) who denied that anything out of the ordinary happened on the trip.

(b)(6); (b)(7)(C) told OIG that (b)(6); (b)(7)(C) would make sexual comments to (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) presence, which made (b)(6); (b)(7)(C) feel "uncomfortable." (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) reacted to (b)(6); (b)(7)(C) comments by saying "that is how (b)(6); (b)(7)(C) is."

(b)(6); (b)(7)(C) told the OIG that when she entered (b)(6); (b)(7)(C) office, (b)(6); (b)(7)(C) said she was talking about her "boobs" with (b)(6); (b)(7)(C) also mentioned to (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) had proposed a "threesome" with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C).

OIG's Conclusion

The OIG finds that (b)(6); (b)(7)(C) failed to report (b)(6); (b)(7)(C) allegations that he was sexual harassed by (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) allegations were a first-hand account of sexual harassment that fall within the FBI Harassment Policy definition of "sexual harassment" and which (b)(6); (b)(7)(C) deemed sufficiently concrete to require addressing with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) also testified that (b)(6); (b)(7)(C) directly heard (b)(6); (b)(7)(C) make sexual comments, but (b)(6); (b)(7)(C) did not report these comments. The OIG credits (b)(6); (b)(7)(C) testimony that that (b)(6); (b)(7)(C) did not want a report made, that (b)(6); (b)(7)(C) reviewed some FBI policy, and that he believed he followed the policy he reviewed, so there is not an indication that he attempted to bury the allegations. FBI's Harassment Policy, however, states that, when a supervisor is aware of a sexual harassment allegation, the "supervisor must...report the allegation, in writing to the INSD." This directive is without regard to the victim's preference on reporting or the supervisor's assessment of the allegation beyond the determination that the allegation meets the definition of "sexual harassment." In addition, the FBI's Harassment Policy does not include "verbal counseling" as an option for responding to allegations of sexual harassment.