

Congress of the United States
Washington, D.C. 20515

July 15, 2020

The Honorable Robert Wilkie
Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave., NW
Washington, DC 20420

Dear Mr. Secretary:

We are writing to urge the Department of Veterans Affairs (VA) to take necessary action regarding deficiencies in the policies and procedures currently in place to address and prevent sexual harassment within the Department.

The Department must make the prevention and addressing of sexual harassment a top priority. A 2016 survey conducted by the U.S. Merit Systems Protection Board estimated that 14 percent of men and 26 percent of women employed at VA have experienced some form of work-related sexual harassment within the prior two-year period. This underscores the need to address employee harassment.

A new report by the Government Accountability Office (GAO) clearly shows that more can and should be done. Specifically, GAO has made a series of recommendations to address sexual harassment within VA in a June 2020 report titled, *Sexual Harassment: Inconsistent and Incomplete Policies and Information Hinder VA's Efforts to Protect Employees* (GAO-20-387). This report not only details specific shortcomings in policies and procedures hampering efforts to address and prevent harassment, but also offers seven recommendations the Department can take to address sexual harassment. For example, GAO found that:

- **VA does not require reporting of all sexual harassment complaints.** While the Department compiles information on allegations, it “does not require managers who receive complaints to report them to VA centrally.” This lack of mandated reporting results in under-reporting and less effective oversight.
- **VA's leadership structure is improper and creates potential conflicts of interests regarding how VA oversees its sexual harassment process.** The Equal Employment Opportunity Commission (EEOC) sets EEO policy for federal agencies. In November 2017, the EEOC first informed the Department that VA's organizational structure does not adhere to EEO guidance which provides that officials overseeing its internal equal employment opportunity complaint process should not also oversee personnel functions since a central function of the equal employment opportunity process is to criticize an agency's personnel practices when inadequate or ineffective. The GAO found that despite multiple requests from the EEOC to address this matter, the Department has yet to take the necessary action.

- **VA has incomplete and outdated policies, information and training.** GAO found “outdated and missing information” as it reviewed policy and guidance documents. GAO also found a “lack of understanding among some VA staff about which policies are official, current policies on sexual harassment. VA needs clear and complete formal policies across the agency to have an effective prevention program. Further, current VA training of its employees lacks the in-depth information necessary for effectively identifying and addressing sexual harassment.

These deficiencies are startlingly similar to many previously identified regarding patient harassment, particularly inconsistent understanding and application of policy. As an institution that is charged with providing healthcare and benefits to survivors of sexual violence, VA must lead on all fronts at the VA Central Office and in all three administrations—Veterans Health Administration, Veterans Benefits Administration, and National Cemetery Administration—on addressing this issue.

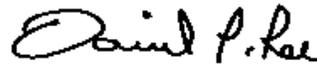
We urge the Department to quickly implement these recommendations, and consider whether the timetables set forth in the response can be expedited and, if so, what would be required to expedite them. We request that VA brief us within 60 days on its efforts to expedite implementation of GAO’s recommendations.

Thank you for your attention to this important issue.

Sincerely,



Mark Takano
Member of Congress



David P. Roe, MD
Member of Congress



Jon Tester
United States Senator



Jerry Moran
United States Senator



Chris Pappas
Member of Congress



Jack Bergman
Member of Congress

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Julia Brownley
Member of Congress

A handwritten signature in blue ink, appearing to read "Joni K. Ernst".

Joni K. Ernst
United States Senator

A handwritten signature in blue ink, appearing to read "Ann McLane Kuster".

Ann McLane Kuster
Member of Congress