

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Fiscal Year 2019 Annual Report to Congress on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

April 2020

Intelligence Community Equal Employment Opportunity & Diversity

Purpose of this Report

To support the Federal Government's longstanding obligation to provide a work environment free of discrimination and retaliation, the *Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002* (No FEAR Act), Public Law 107–174, requires annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each federal agency. The Office of the Director of National Intelligence (ODNI) submits this annual report in compliance with Section 203 of the No FEAR Act, covering Fiscal Year (FY) 2019. The No FEAR Act Annual Report contains information relating to the ODNI's Equal Employment Opportunity (EEO) complaints activity (including federal district court cases), as well as any resulting disciplinary actions and Judgment Fund reimbursements. The agency's reporting obligations contained in Title 5 Code of Federal Regulations Part 724 have been incorporated into the ODNI's No FEAR FY 2019 Year-End Data report (Appendix I), concerning EEO complaints.

As directed by Section 203, ODNI provides this report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the ODNI, the Equal Employment Opportunity Commission (EEOC), the Attorney General, and the Director of the Office of Personnel Management.

A. Introduction

Following the tragic events of 11 September 2001, Congress saw the need for sweeping change in the Intelligence Community (IC), resulting in the passage of the *Intelligence Reform and Terrorism Prevention Act of 2004* (IRTPA), signed on 17 December 2004. The IRTPA created the ODNI to lead the 17 member IC and improve information sharing, strategically promote a unified direction, and ensure integration across the IC. The ODNI began operations on 22 April 2005.

The Director of National Intelligence (DNI) serves as the head of the IC, acts as the principal advisor to the President and the National Security Council on intelligence matters related to national security, and oversees and directs the implementation of the National Intelligence Program. In addition to his IC-wide mission, the DNI also leads the ODNI workforce and organization.

In accordance with 29 C.F.R. § 1614.102(b)(4), the Chief of the IC Equal Employment Opportunity and Diversity Office (IC EEOD), reports directly to the DNI. The IC EEOD Chief serves as the principal advisor to the DNI on issues related to equity, inclusion, and EEO compliance. Since its inception, IC EEOD has developed ODNI and IC-wide strategies and policies to promote a diverse workforce. IC EEOD maintains an IC-wide focus on diversity and inclusion, and continues to provide EEO services to the ODNI workforce. In that capacity, IC EEOD: educates and trains managers, supervisors, and employees about their responsibility to maintain a workplace free of unlawful discrimination and harassment; processes informal and formal complaints of discrimination in accordance with EEOC guidelines and timeframes; promotes the understanding of diversity and inclusion as mission-critical; and creates and implements diversity and inclusion efforts IC-wide. During FY 2019, the ODNI and IC partners continued work under the Sexual Harassment Prevention and Response Task Force initiative to

identify and eliminate unlawful behaviors that do not align with IC element core values. Three concurrent SHPR Working Groups formed to focus on: policy; culture; and education and training. The Task Force and Working Groups gathered relevant IC data, conducted research on leading practices across government and industry, and developed recommendations for consideration by the DNI and the Directors of all IC elements.

By statute, the ODNI does not fall under the whistleblower framework described in the No FEAR Act. The Congress amended the National Security Act of 1947 to include whistleblower protections for ODNI and other IC employees and contractors who properly disclose information that they reasonably believe evidences certain specified types of wrongdoing, including for example violations of a federal law, rule, or regulation.² These statutory provisions are the foundation of a whistleblower framework, which is complemented by the Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information (October 2012), and Intelligence Community Directive 120, Intelligence Community Whistleblower Protection (20 March 2014), and other policy guidance. The Inspector General of the Intelligence Community (ICIG) also provides an independent review of whistleblower allegations for ODNI employees and contractors to determine whether or not a reprisal has occurred. The ICIG's statutory authority originates in the National Security Act of 1947, which also protects IC whistleblowers who intend to communicate "urgent concerns" to the congressional intelligence committees relating to the funding, administration, or operation of intelligence activities.³ Together, these statutory authorities, and presidential and intelligence community directives, provide IC employees with whistleblower protections similar to those found in the No FEAR Act.

No FEAR Act web-based training, required for all ODNI employees, addresses the rights and remedies available to IC employees via the EEO process. IC Whistleblowing training, mandatory for all ODNI employees and contractors, addresses the rights and remedies available to those who may disclose information through the appropriate channels as set forth in the

¹ The No FEAR Act provides for Judgment Fund reimbursement of, and annual reporting related to, proceedings brought under (1) any provision of law prohibiting any form of discrimination under the laws interpreted by the EEOC, and (2) the whistleblower provisions of 5 U.S.C. § 2302(b)(8) and (9). See Section 201(a) and (c) of the No FEAR Act. Congress expressly exempted the ODNI and other IC agencies from the coverage of 5 U.S.C. § 2302. Instead, ODNI employees are subject to other whistleblower protections consistent with the need to protect classified information. See Presidential Policy Directive (PPD) 19 (10 October 2012), Protecting Whistleblowers with Access to Classified Information; Intelligence Community Directive (ICD) 120 (20 March 2014), Intelligence Community Whistleblower Protection; 50 U.S.C. §§ 3234 and 3341(j).

² See 50 U.S.C. § 3234, Prohibited personnel practices in the intelligence community; and 50 U.S.C. § 3341(j), Retaliatory revocation of security clearances and access determinations. Other types of wrongdoing covered by these statutes include mismanagement (if the whistleblower is an employee) or gross mismanagement (if the whistleblower is a contractor); gross waste of funds; abuse of authority; a substantial and specific danger to public health or safety; or matters of urgent concern. To obtain whistleblower protections, a whistleblower is required to make disclosures in a manner consistent with the need to protect classified information. See also Presidential Policy Directive (PPD) 19 (10 October 2012), Protecting Whistleblowers with Access to Classified Information and Intelligence Community Directive (ICD) 120 (20 March 2014), Intelligence Community Whistleblower Protection.

³ See 50 U.S.C. § 3033(k)(5)(A). For purposes of this statute, an "urgent concern" is a serious or flagrant problem, abuse, violation of law or Executive Order, or deficiency relating to the funding, administration, or operation of an intelligence activity under the DNI's jurisdiction; or a false statement or willfully omitted material information to Congress, relating to the funding, administration, or operation of an intelligence activity within the DNI's jurisdiction; or an actual or threatened reprisal action for having previously reported an urgent concern. See § 3033(k)(5)(G).

Presidential Policy Directive 19 and Intelligence Community Directive 120. The ODNI is committed to preventing discrimination and retaliation in the ODNI and in the IC.

B. Reporting Obligations

During FY 2019, the ODNI had one case pending review in the Fourth Circuit Court of Appeals. The case alleges violation of the Rehabilitation Act of 1973.

ODNI has made no reimbursements to the Judgment Fund for payments as defined in 5 C.F.R. §724.102.

During FY 2019, there were no disciplinary actions taken against ODNI employees pursuant to 5 C.F.R. §724.302(a)(3).

The ODNI is committed to providing a workplace that promotes productivity and professionalism and an inclusive environment that protects the dignity of the entire workforce. The DNI annually issues anti-harassment, equal opportunity, and diversity policy statements declaring that the ODNI prohibits and will not tolerate discrimination, harassment, or retaliation. These statements advise that employees will be subject to appropriate corrective action if they are found to have engaged in discriminatory or harassing behavior. See the Director's Statement on EEO (Appendix II), signed in FY 2018 and issued in FY 2019.

1. No FEAR FY 2010-FY 2019, Year-End Data Report

Appendix I contains the ODNI's year-end FY 2019 EEO complaint data and the data from preceding fiscal years, in accordance with 5 C.F.R. § 724.302(a)(4) and 29 C.F.R. § 1614.705.

2. Analysis of EEO Complaint Trends and Causality

a. EEO Complaint Activity and Causality

For the last five years, the baseline number of complaints has continued to remain small, as is reflected in Appendix I. Following attempts at resolution during EEO counseling, aggrieved individuals filed four formal complaints filed during FY 2019. The number of complaints decreased from five formal complaints filed in FY 2018, and eight in FY 2017. The decrease in formal complaints might be attributed to an ODNI anti-harassment program that stands separate from the EEO complaints program, as well as continued workforce outreach and education.

b. Bases of Discrimination in EEO Complaints

During FY 2019, the ODNI's most-frequently alleged basis of discrimination in formal EEO complaints continued to be retaliation, as is the case across the Federal workforce. This is consistent with data from FY 2018 as well.

c. Issues in EEO Complaints

The most-frequently raised issues in discrimination complaints during FY 2019 were concerned with appointment/hires and evaluations/appraisals. There are

no notable trends in the issues raised, given the small number of complaints.

d. Practical Knowledge Gained Through Experience

During FY 2019, ODNI's offices responsible for resolving workplace concerns increased their efforts to inform the workforce of the services and resources available. The Office of the Ombudsman provides assistance to employees and organizations in the resolution of individual and systemic issues. It advocates for fair and appropriate processes, helps to establish effective communication channels, and facilitates alternative dispute resolution efforts. The Office revamped its online presence and offered enhanced training to supervisors to facilitate better feedback to employees. The Employee Management Relations Officer (EMRO) executes the ODNI's anti-harassment program, which is separate from the EEO process, to address harassment and bullying complaints that are not based on any category protected under a nondiscrimination statute. The EMRO leveraged learning development and onboarding sessions to integrate and communicate agency best practices in employee relations. Both of these programs help employees identify and address ordinary workplace friction, conflict, and disputes. IC EEOD worked with these offices to provide managers and supervisors with training about best practices for providing performance feedback. These offices continue to inform employees of their EEO rights and timelines. The result is that employees are better informed and benefit from multiple avenues of resolutions. IC EEOD continued its participation in the agency training for supervisors and managers, providing tools to prevent harassment and discrimination and address workplace conflict.

e. Improvements in the Complaint Program

The ODNI's training office ensures that all ODNI employees receive reminders of the No FEAR Act mandatory training requirement and complete the training biennially. New employees are required to take the No FEAR Act training within 90 days of entering on duty, and all employees must take the training biennially. Completion of biennial No FEAR training and annual IC Whistleblowing training requirements is required for employees and detailees to maintain computer system access.

The ODNI continues to offer an EEO briefing during new employee orientation. Throughout the year, IC EEOD educates ODNI managers and employees on a range of matters such as preventing and mitigating EEO violations, the importance of confidentiality in the EEO process, identifying actions that constitute unlawful retaliation, disability rights, and other EEO compliance issues. IC EEOD also has incorporated expert training on EEO issues at its annual EEO conference, provided mandatory EEO training for all ODNI managers and supervisors, and is completing development of an online anti-harassment training that will be made available to ODNI and to the IC. In addition, ODNI provides mandatory Unconscious Bias training for all senior managers and supervisors who participate in the ODNI's Career Advisory Boards (career development and promotion boards).

During FY 2019, IC EEOD increased its staffing resources to augment its ability to counsel and investigate EEO complaints. All investigations of formal complaints were timely conducted within the time provided by the EEOC's regulations. *See* Appendix I, Table 11.

APPENDICES:

- Appendix I: ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) Pub. L. 107-174
- Appendix II: ODNI Director's Statement on Equal Employment Opportunity, 28 September 2018

Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Pub. L. 107-174

	Fiscal Year	

Table 1. Number of Complaints (see 29 C.F.R. § 1614.704(a)-(c))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Number of Complaints										
Filed during the FY	3	4	4	3	5	3	9	8	5	4
Number of Complainants										
Who filed a complaint during the FY	3	4	4	3	5	3	9	8	5	4
Who filed two or more complaints during the FY	0	0	0	0	0	0	0	0	0	0

Table 2. Number of Complaints by Basis (see 29 C.F.R. § 1614.704(d))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Race	0	2	3	_	4	2	0	4	4	-1
Color	0	_			0	0	0	0	2	0
Religion	0	0	0		0	_	1	0	0	0
Retaliation	_	2	I	0	-	1	3	9	4	3
Sex	1	1	0	0	5	1	1	4	3	
Pregnancy	0	0	0	0	1	0	0	0	0	0
National Origin	0	0	0	1	0	1	1	0	0	0
Equal Pay	0	0	0	0	0	0	0	2	0	0
Age	2	0	2	2	2	1.	3	2	2	0
Disability	1	2	0	0	2	1	3	2	1	1
Genetic Information Non-Disclosure	0	0	0	0	0	0	T	0	0	0
Non-EEO	0	0	0	0	0	0	1 .	0	0	0

Appendix I – ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for FY 2019

Table 3. Number of Complaints by Issue (see 29 C.F.R. § 1614.704(e))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Appointment/Hire	0	0	0	0	0	1	-	0	0	2
Assignment of Duties	0	0		0		0	0	3	3	1
Awards	1	0	0	1	0	0	0	_	0	0
Conversion to Full-Time	0	0	0	0	0	0	0	0	0	0
Disciplinary Action										
1. Demotion	0	1	_	0	0	0	0	0	0	0
2. Reprimand	0	-	1	0	_	-	0	0		0
3. Suspension	0	0	0	0	_	0	0	0	0	0
4. Removal	0	0	0	0	0	0	0	0	0	0
5. Other	0	0	0	0	0	0	0	_	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0		0	-	0	1	3	3	2
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment										
1. Non-Sexual	1	2	3	0	2	_	2	8	2	
2. Sexual	0	0	0	0	0	0	0	0	0	0
Medical Examination	1	0	0	0	0	0	П	0	0	0
Pay/Overtime	0	1	0	0	0	0	0			0
Promotion/Non-Selection	0	0	0	0	0	,	2		_	0
Reassignment										
1. Denied	0	0	0		0	0	0	0	0	0
2. Directed	1	0	0	0	0		1	1	0	0
Reasonable Accommodation	0		0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0		0	0	0

Appendix I – ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for FY 2019

Sex-Stereotyping	0	0	0	0	0	0	0	0	0	0
Termination	1	1	0	1	2	0	1	1	4	1
Terms/Conditions of Employment	1	0	2	0	0	0	2	3	2	0
Time and Attendance	0	0	0	0	1	0	1	-	0	0
Training	0	0	1	0	1	0	0	1	1	0
Other	1	0	0	0	0	0	1	1	0	1

Table 4. Average Processing Time (see 29 C.F.R. § 1614.704(f))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1614.704(f)(1): All Pending	323	362	580	345	203	345	307	389	982	577
1614.704(f)(2): No Hearing Requested	323	339	269	194	127	220	92	159	270	163
1614.704(f)(3): Hearing Requested	0	414	735	762	735	1101	356	1076	1475	1241

Table 5. Number of Complaints Dismissed Pursuant to 29 C.F.R. § 1614.107(a) and Average Length of Time Pending Prior to Dismissal (see 29 C.F.R. §1614.704(g))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Number of Complaints Dismissed		0		3	£.	0	1	3	4	0
Average Number of Days Pending	103	c	157	0.3	100	C	150	7.3	77	C
Prior to Dismissal	707	>	/СТ	2,7	103)	001	2	‡	>

Table 6. Number of Complaints Withdrawn (see 29 C.F.R. § 1614.704(h))

2019	0
2018	2
2017	0
2016	2
2015	0
2014	0
2013	2
2012	0
2011	0
2010	1
	Number of Complaints Withdrawn

Appendix I – ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for FY 2019

Table 7. Number of Final Agency Actions (see 29 C.F.R. § 1614.704(i))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
	#	#	**	% #	% #	% #	*	*	*	% #
1614.704(i)(1): Total Number of Findings of Discrimination	0	0	0	0	0	0	0	0	1	0
1614.704(i)(2); Without a Hearing	0	0	0	0	0	0	0	0	0 0	0
1614.704(i)(2): After a Hearing	0	0	0	0	0	0	0	0	1 100	0

Table 8. Number of Final Actions Involving a Finding of Discrimination by Basis (see 29 C.F.R. § 1614.704(j))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
* Rendered without a hearing** Rendered after a hearing	% #	% #	#	% #	% #	#	#	*	#	#
Number of Findings of Discrimination	0	0	0	0	0	0	0	0	1*	0
Race	0	0	0	0	0	0	0	0	1 100	0
1. American Indian/Alaskan Native	0	0	0	0	0	0	0	0	0	0
2. Asian/Pacific Islander	0	0	0	0	0	0	0	0	1 100	0
3. Black	0	0	0	0	0	0	0	0	0	0
4. White	0	0	0	0	0	0	0	0	0	0
5. Two or More Races	0	0	0	0	0	0	. 0	0	0 0	0

UNCLASSIFIED

Appendix I – ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for FY 2019

Color	0	0	0	0	0	0	0	0	0 0	0
Religion	0	0	0	0	0	0	0	0	0 0	0
Retaliation	0	0	0	0	0	0	0	0	1 100	0
Sex	0	0	0	0	0	0	0	0	0 0	0
1. Female	0	0	0	0	0	0	0	0	0 0	0
2. Male	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0 0	0
1. Hispanic	0	0	0	0	0	0	0	0	0 0	0
2. Other	0	0	0	0	0	0	0	0	0 0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0 0	0
Age	0	0	0	0	0	0	0	0	0 0	0
Disability	0	0	0	0	0	0	0	0	0 0	0
1. Physical	0	0	0	0	0	0	0	0	0 0	0
2. Mental	0	0	0	0	0	0	0	0	0 0	0
Non-EEO	0	0	0	0	0	0	0	0	0 0	0

Appendix I – ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for FY 2019

Table 9. Number of Final Agency Actions Involving a Finding of Discrimination by Issue (see 29 C.F.R. § 1614.704(k))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Number of Findings of Discrimination	0	0	0	0	0	0	0	0	V	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	1	0
Awards	0	0	0	0	0	0	0	0	0	0
Conversion to Full-Time	0	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0	0
1. Demotion	0	0	0	0	0	0	0	0	0	0
2. Reprimand	0	0	0	0	0	0	0	0	0	0
3. Suspension	0	0	0	0	0	0	0	0	0	0
4. Removal	0	0	0	0	0	0	0	0	0	0
5. Other	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0
1. Non-Sexual	0	0	0	0	0	0	0	0	0	0
2. Sexual	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0
Pay/Overtime	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0
Reassignment	0	0	0	0	0	0	0	0	0	0
1. Denied	0	0	0	0	0	0	0	0	0	0
2. Directed	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0

Appendix I – ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for FY 2019

Reinstatement	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0		0
Time and Attendance	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	_	0
Other	0	0	0	0	0	0	0	0	0	0

Table 10. Number of Complaints Pending at Any Time During the Fiscal Year (see 29 C.F.R. § 1614.704(1))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Number of Complaints Pending	r	C	c	c	c	ı		7	15	-
for any length of time during the FY		×	٧	×	×	_	<u>+</u>	01	2	11
29 C.F.R. § 1614.704(1)(1)			Ų	Ų	,	,	c	7.	, C	ľ
-Number Filed before 10/1	4	4	n	n	J.	4	×	01	7	_
29 C.F.R. § 1614.704(1)(2)(i)			24				5		ç	1
 Number of Complainants 	†	4-	n	n	າ	†	71	CI	71	n
29 C.F.R. § 1614.704(1)(2)(ii)					(,		9		
- Number Pending Investigation	4	-	4	>	7	n	2	O.T	4)
- Number Pending Hearing	0	2		_			9	9	9	2
- Number Pending Final Agency	C	C			-	0			_	0
Action	>))	>	٦	>	>	4	>	o o
- Number Pending Appeal	0	0	0	0	2	2	0	3	2	0

Appendix I - ODNI Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) for FY 2019

Table 11. Number of Complaints Pending at Any Time During the Fiscal Year that Exceeded the Authorized Investigation Timeframe (see 29 C.F.R. § 1614.704(m)

	2010	2011	2012	2013	2014	2015	2016	2016 2017	2018	2019
Number of Pending Complaints										
that Exceeded the Investigation										
Fime Authorized by 29 C.F.R.	3	m.	0	0	0	0	0	0	0	0
§1614.106(e)(2) including										
extensions										
Number of Pending Complaints										
that Exceeded the Investigation	c	C	c	c	C	¢	c	c	C	<u> </u>
Time Authorized by 29 C.F.R.	>	>	>	>	>	>	>)	>	>
31614.108(e)										

DIRECTOR OF NATIONAL INTELLIGENCE Washington, DC 20511

Director's Statement on Equal Employment Opportunity

To advance our mission, the Office of the Director of National Intelligence (ODNI) must foster a workplace that promotes and values diversity and inclusion, while prohibiting discrimination, harassment, and unprofessional conduct.

As I stated previously, and emphasize again in the strongest way possible, each of us must exhibit respectful conduct and communications consistent with that of a model workplace – and we must be swift to correct behaviors that marginalize its members. All members of this workforce are to conduct themselves in accordance with these standards. Managers and supervisors are accountable for ensuring the workplace meets these standards.

Our laws, regulations, and policies prohibit discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, gender identity or expression, and transgender status), national origin, age (40 and over), mental or physical disability, and genetic information. Executive Orders protect ODNI officers from harassment and discrimination based on parental status. Federal laws and ODNI policies¹ also prohibit retaliation for opposing employment discrimination, participating in the equal employment opportunity (EEO) process (including previous EEO activities), reporting discrimination, or providing information related to such complaints. These laws and policies establish the framework for our conduct. Moreover, we must foster an environment that encourages reporting without fear of reprisal.

Personnel who either experience or witness discrimination, harassment, bullying, and other adverse personal treatment should report such behavior to a supervisor, manager, individual with authority, the Employee-Management Relations Officer, or the Intelligence Community Equal Employment Opportunity and Diversity Office (IC EEOD). Officials made aware of either allegations of discriminatory conduct or harassment must take immediate action to stop the behavior and refer the individual who is the subject of the conduct to the appropriate redress office. Management officials must also consult with IC EEOD before initiating any corrective action in response to an allegation of either discrimination or harassment.

It is my honor to lead the ODNI's talented, mission-driven workforce. Thank you for your continued commitment to equal employment opportunity, diversity, and inclusion.

Daniel R. Coats

Date

¹ See Instruction 120.01, Anti-Harassment and Anti-Bullying Policy (February 6, 2017), https://intelshare.intelink.ic.gov/sites/dni-msd/cpm/Documents/Anti-Harassment%20and%20Anti-Bullying%20Policy.pdf and Instruction 120.02. Equal Employment Opportunity Discrimination Complaint System (February 6, 2017), https://intelshare.intelink.ic.gov/sites/dni-msd/cpm/Documents/Equal%20Employment%20Opportunity%20Discrimination%20Complaint%20System.pdf