

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-8; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by (b)(6),(b)(7)(C), Director, Center for Hemispheric Defense Studies
(Appointing authority)

on 21 December 2011 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (Investigation) (board) commenced at Fort McNair, Washington, DC at 0800
(Place) (Time)

on 28 December 2011 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

Following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (Investigating officer) (board) finished gathering/hearing evidence at 1500 on 23 February 2012
(Time) (Date)

and completed findings and recommendations at 1600 on 6 March 2012
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Copy of notice to respondent, if any?(See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The *(investigating officer) (board)*, having carefully considered the evidence, finds:

Attached Findings dated 6 March 2012.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the *(investigating officer) (board)* recommends:

See Attached Recommendations dated 6 March 2012.

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CHDS INFORMAL INVESTIGATION

EXECUTIVE SUMMARY

The Director of the Center for Hemispheric Studies (CHDS) directed an informal investigation into allegations of a hostile work environment, mismanagement, resource management discrepancies, and racial prejudice raised by (b)(6),(b)(7)(C). After extensive review into these allegation, I find that the Center's leadership has not violated any laws or Department of Defense regulations, has not acted unethically towards its employees, and has maintained good order and conduct expected in an organization of the Department of Defense. The Center does have several challenges that should be addressed.

Many current and former employees feel that a hostile work environment exists due to an underlying atmosphere of favoritism towards certain current and former employees that causes and has caused unhealthy competition among the faculty and support staff. Additionally, this atmosphere of favoritism may have a negative impact on the achievement of the Center's goals and objectives as faculty members may be assigned duties based on friendships and existing relationships rather than expertise and academic credentials. Favoritism was cited by all former employees and more than half of those current employees interviewed as the most pressing need that should be addressed. Many employees interviewed feel that the Center's leadership is either unaware of ongoing favoritism or unwilling to effect change to eliminate perceived favoritism.

Most employees interviewed felt that leadership needs to do more to help them understand and follow the Center's policies. Many employees interviewed agreed that the Center should provide its employees with clear administrative and operational guidance to reduce uncertainties about routine day-to-day operations and how faculty members are selected for program leadership positions (Course Director and Deputy Course Director).

On the allegation of mismanagement, I found that management of the center appears to be somewhat decentralized in certain areas, such as in the selection of Course Directors. Of the faculty members interviewed, many felt that the Academic Council lacked sufficient transparency. They also felt that the Center's leadership was not involved enough with day-to-day academic program decision making. Additionally, faculty believes that certain senior faculty, along with the Academic Council, filter information flow to the Director concerning new ideas for academic programs stifling innovation.

I found no evidence of any type of discrimination based on federally protected classes. I did find a lack of sensitivity towards the use of derogatory language used within the staff. It was not clear if the Center's leadership has done enough to emphasize that all individuals are to be treated with respect and dignity by not disciplining individuals that use derogatory comments or expressions towards other employees.

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FINDINGS

Hostile Work Environment:

Many current and former employees feel that a hostile work environment exists due to an underlying atmosphere of favoritism (addressed below) towards certain current and former employees that causes and has caused unhealthy competition among the faculty and support staff. Additionally, this atmosphere of favoritism may have a negative impact on the achievement of the Center's goals and objectives as faculty members may be assigned duties based on friendships and existing relationships rather than expertise and academic credentials. Favoritism was cited by all former employees and more than half of those current employees interviewed as the most pressing need that should be addressed. Many employees interviewed feel that the Center's leadership is either unaware or unwilling to effect change to eliminate perceived hostile work environment.

The range of responses concerning a hostile work environment varied greatly among the staff interviewed. It was clear that those in leadership, both academic and non-academic, felt that the Center did not have a hostile work environment while non-leadership faculty and support staff felt in varying degrees that a hostile work environment does exist. Many of the employees outside of leadership positions felt that there was not an appropriate mechanism to share ideas or complaints. Most employees felt that to raise any issues would result in retribution or even termination. However, when pressed for specific examples of instances that illustrate a hostile work environment most employees stated that there was not a specific example but more of an attitude among the leadership. Several employees pointed at (b)(6),(b)(7)(C) allegations against the Center and the consequences he has faced as an example of a hostile work environment.

Another aspect that may contribute to the perception of a hostile work environment according to some employees is the lack of dialogue between the Director and the faculty and staff. Many employees felt that the Director is somewhat disconnected with the day-to-day running of the Center allowing subordinate leaders to make operational and programmatic decisions. The staff believes that there should be more Director level interaction to provide employees an opportunity to share ideas and submit complaints without the fear of retribution.

Below is a sampling of comments submitted by employees regarding the hostile work environment:

- Hostile work environment for those not within the inner circle
- If you are liked you will do well if not then you will be marginalized
- Significant fear of retribution from Center and Academic leadership
- Director rarely meets with faculty
- New ideas never get past supervisor to Director for approval
- Lack of trust and respect from Senior leaders to the subordinates

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On the Staff side of the Center, several employees pointed out that the only staff members that were being promoted were the individuals working in the front office. Some employees complained that position descriptions were changed to reflect greater responsibilities to increase GS levels without a corresponding increase in workload or responsibilities. While I found nothing illegal or unethical with position description changes, the Center may want to conduct a desk audit on support staff positions to ensure that responsibilities are appropriately reflected in position descriptions for pay purposes.

Below is a sampling of comments submitted by employees regarding the favoritism:

- Director seemed disengaged from fixing issues—may not have encouraged favoritism but may have just ignored it
- Academic council used to reinforce favoritism
- Friction between staff because non-PhD are teaching while PhDs are not assigned to teach courses on issue that they have expertise in
- Academic favoritism is a question of fairness
 - Academics are evaluated based on teaching publications and outreach yet some academics are not given the opportunity for outreach and teaching
- Some are allowed to travel to outreach event when for unknown reason others are not
- People with wrong expertise selected to attend outreach events while experts are left behind—more experienced individuals not attending
- Retribution for academic dissent
- (b)(6),(b)(7)(C) shown favoritism because he was allowed to participate in Doctoral course while on government time
- Their needs to be a collaborative process and recommendation to the Director for decision on course director selections
- Some professors allowed to travel in conjunction with course –other not allowed
- Small group of individuals rewarded with travel, others denied
- Only three full professors on staff but none assigned to lead any functional courses Senior leadership dismisses academic favoritism
 - No basis for selection for TDYs
 - No transparency in the selection of course directors
- Center has a bias that is controlled by a small group of academics
- Academic experts not selected to lead programs—non-experts selected instead
 - Maybe because experts are new
 - Number of Faculty threatened by new employees
 - “You are making us look bad because you published, more recognized, more involved”
- Allow new professors to act as Dep Course Dir to encourage mentorship and learning
- Course director selections made based on previous experience

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expertise. This potential mismanagement could have a direct impact on the delivery of programs. Additionally, faculty members believe that the Center lacks a training and mentorship program to help junior or new employees understand the unique academic and defense environment.

Below is a sampling of comments submitted by employees regarding the mismanagement:

- Dir Disconnected—allows subordinates to run the org
- Center used for personal agendas and not stated mission
- Trouble meeting student quotas (students state that content not unique or different)
- Some leader's management style is that of a boot camp sergeant
- Leaders keep everyone unsettled/off-balanced so they can benefit and manage things to their best advantage
- Latin American professors have taken over the academic side
- Director rarely meets with faculty
- Org needs SOP to improve transparency
- Most mismanaged organization ever seen
- Preference for former military officers in key positions
- Skills mismatch for programs—wrong employees with the wrong credential while the right employee with the right credentials are marginalized
- Academic council not performing effectively
- Certain Senior leaders undermine the Director
- Very compartmentalized
- Very poor information flow
- No leadership follow-up to issues raised by employees
- Director should meet with each faculty quarterly individually or as a group
- Things are fair but internal communications are lacking
- Need a suggestion box
- Director needs to be more hands on
- Feedback to staff lacking
- CHDS needs closer oversight on course content
- Some professors are good at teaching while others are good at organizing
- Director has not stated that a course director has to have at least 12-24 months at center before they can lead a course
- Center does not incorporate new professor effectively
- Some professors feel that they have too much to do
- Some fill pilled on and required to do too much
- Some employees not fully employed
- Academic selections not being done by academic expertise

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Below is a sampling of comments submitted by employees regarding the discrimination:

- Treatment of women at times inappropriate
- Leadership reacted appropriately when inappropriate remarks or content used on programs
- No gender or race based discrimination
- Guideline to ensure gender and race discrimination in academic products were maintained but not published
- There is a military mentality of protectionism
- Never perceived any racial discrimination
- (b)(6),(b)(7)(C) made (b)(6),(b)(7)(C) life miserable for reporting affair with a contractor—
resulting in significant retribution
- Females given plenty of work but not necessarily the work they want
- Male members yell at females
 - Academic leadership do not trust females and treat them as if they need to be hand-held
- Women told they need to request telework in advance while men are allowed to telework without prior approval
- Professors not being treated equally
- There is a bias towards prior military service creating an inherent tension with non-military employees
- Has not witnessed any discrimination but there is a tone that flirts with potential discriminatory practices
- Has seen some sexually inappropriate content in course work
- Females are often rehearsed before presentation to Flag level officials while males are not rehearsed
- New Employees are marginalized because they are more current on issue than the old guard
- Old Employees feel threatened by new employees
- Many have noticed a pattern of dual standards
 - Not sure if it gender based or just certain groups
- Former military may be getting preferential treatment/opportunities to lead course without academic credentials
- New employee marginalization
- Non military marginalization
- Female faculty do not feel that they are treated equally
- Women may think there is some discrimination
- Female professors not selected to lead courses in the first year
- Junior females may feel dismissed
- Obama Email
 - Email between spouse and center employee

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other CHDS personnel. According to Senior Academic Leadership, compounding the appearance of impropriety is the fact that both contract were awarded for significant amounts of money with very little deliverables for the Center and the Department of Defense.

Below is a sampling of comments submitted by employees regarding the resource management.

Personnel

- Comp time
 - Have been told to minimize travel on weekends
 - Deputy Director directed that travel should be done during the week when possible
 - No formal instructions
- Contract renewal process held over employees head
- Center using Tele-work tantamount to time off
- (b)(6),(b)(7)(C)
 - Investment does not seem to have a good return on investment
 - MTG with Amb Ford, SOUTHCOM POLAD,
 - Econ security issues in LA
 - SOUTHCOM wanted a study of economic crisis impact on insecurity
 - CHDS did not have the academic expertise to deliver a product to SOUTHCOM
 - Looked in house at CTNSP but found them to be more expensive
 - Director and (b)(6),(b)(7)(C) had worked with (b)(6),(b)(7)(C) before
 - (b)(6),(b)(7)(C) was project lead
 - Was to culminate with the publication of a book
 - Roughly \$30K
 - (b)(6),(b)(7)(C) provided names and project details
 - Paid only for hours billed and deliverables
 - SOUTHCOM project interest diminished because the impact of the economic crisis in Latin America was not as severe as expected
 - CHDS and SOUTHCOM interest faded
 - CHDS Dir decided to discontinue the project
 - CHDS gained some insights from the effort and better understanding of economics in the region
 - Director interested in bring expensive notable or individuals with broad name recognition
 - Center contracted for his services
 - (b)(6),(b)(7)(C) was a difficult individual to work with
 - (b)(6),(b)(7)(C) included people in project that would not have passed vetting
 - Contract terminated before all required product delivered

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- Senior leader travel checked with DSCA OGC
- Travel Comp Time looking at ways to be more restrictive
- No Travel SOP
- Maximum use of contract carriers
- No DFAS or DSCA audits
- No policy letters or Center SOP

Chile Conference Review

- (b)(6),(b)(7)(C)
 - personally procured tickets
 - Started Travel on 18 July but claimed travel comp on 17 July
- (b)(6),(b)(7)(C)
 - Parking=\$100 or \$20/day may be using more expensive parking garage
- (b)(6),(b)(7)(C)
 - Does EA need to travel?
- (b)(6) • (b)(6),(b)(7)(C)
 - Approved for comp time and regular leave on 18 July
- (b)(6),(b)(7)(C)
 - Approved Comp time for 12 hours to write notes and communicate with others
- (b)(6),(b)(7)(C)
 - TRVL Voucher return date should have been 25 July—received 11 hours of travel comp on 25 Jul
- (b)(6),(b)(7)(C)
 - Earned travel comp time when not travelling—probably should have been regular comp and not travel
- (b)(6),(b)(7)(C)
 - Personally procured tickets
 - Claimed a taxi to the terminal on departure and then claimed terminal parking
- (b)(6),(b)(7)(C)
 - Did not claim taxi, parking, or mileage to get to airport—how did she get there (gov provided transportation?). Probably under paid

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- Conduct staff desk audit to ensure position description accurately reflect current responsibilities. Some staff have asked for audits claiming that duties have significantly increased without a corresponding increase in salary.
- Make employees aware of the Center's suggestion box and encourage its use
- Review the Center's policy and procedures for selecting course directors and deputy directors. Publish guidelines, criteria, and procedures to avoid the appearance of favoritism.
- Develop a new employee sponsorship and orientation program to share best practices and unique Center requirements with new employees.
- Develop a faculty mentorship program for new faculty members. Explore option to create mentorship opportunity within the Center and across the Regional Center enterprise.

(b)(6),(b)(7)(C)

COL, USA
Investigating Officer