URGE Complaints and Reporting Fact Sheet

These materials are based on the understanding of NMNH pod members and may not accurately reflect the official policy of the Smithsonian Institution. Always refer to official policy documents and handbooks for the most accurate information about reporting processes.

The Geosciences Pod at NMNH found the following information on policies for handling complaints, the reporting process, resources, and possible outcomes. Some information was public; answers that were only found through follow up with contacts are noted.

The Smithsonian has two systems by which staff and affiliates can report harassment: EEO and SI Civil. The EEO reporting process is available only to employees or applicants for employment wishing to file a complaint. The SI Civil Program reporting process is available to all staff and affiliates (including fellows, interns, etc.).

The following acronyms/shorthand are used below:

- EAP: Employee Assistance Program
- EEO: Equal Opportunity Employment
- EEOC: Equal Opportunity Employment Commission
- OEESD: Office of Equal Employment and Supplier Diversity (formerly OEEMA)
- OHR: Office of Human Resources
- OPS: Office of Protective Services
- SI Civil: Smithsonian Civil Program

The link(s) to the reporting policy at our organization are here:

- Organization Policies (all links require a Smithsonian network account to access):
  - SD 214 Equal Employment Opportunity Program
  - SD 217 Workplace Violence Prevention Policy
  - SD 225 Anti-Harassment Policy
- Implementation handbooks:
  - Equal Opportunity Handbook (ch. 3)
  - Smithsonian Civil Program Handbook

- Department, Lab, Division, Advisor or Supervisor Policies: No additional formal policies exist at the department level or lower.
- Reporting rates and public availability:
● **EEO**: Required to make annual reports to the Equal Opportunity Employment Commission about the Smithsonian's EEO program, including "management and program accountability; proactive prevention of unlawful discrimination; efficiency; and responsiveness and legal compliance" (Management Directive 715 as summarized in the EEO handbook)

● **SI Civil**: Required to make annual reports to the Smithsonian administration and Board of Regents. It is not clear if those reports will be publicly available. According to a 2020 Government Accountability Office (GAO) report, internal sexual misconduct reports were not tracked through 2019 or so, and no reports of other types of misconduct were found.

**What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?**

- **Contacts:**
  - **EEO**: The OEESD handles EEO complaints at the Smithsonian. Three staff members (including two EEO Specialists for informal complaints and an attorney advisor for formal complaints) are available for staff to report complaints. Contact information is listed on the [EEO Complaints Contact Info](#) page (intranet only).
  - **SI Civil**: SI Civil Complaint Hotline (202) 633-6620, sicivil@si.edu (for all staff which includes employees, research associates, interns, fellows, volunteers and contractors).
  - **Other resources**: In addition to the above, staff and affiliates can contact the following offices to discuss or receive support related to harassment:
    - Office of the Ombuds (all staff, see above), (202) 633-2010
    - Employee Assistance Program (EAP) (staff, interns, and fellows but not volunteers or contractors), (202) 633-1051

- **Reporting processes:**
  - **EEO**: The [EEO complaint process tree](#) (intranet only) was set up according to federal law. EEO complaints may only be filed by employees or applicants for employment. Complainants must report incidents to OEESD within 45 days. This triggers the informal stage of the EEO complaint process, where the OEESD counselor will interview and counsel the complainant, perform a preliminary investigation of the complaint, and attempt to resolve the complaint through counseling or alternative dispute resolution. The typical timeframe for the informal process is 30-90 days.

    If at the end of the informal process the complainant wishes to file a formal complaint, they must submit it in writing to the director of OEESD within 15 days of the end of the informal process. If OEESD does not dismiss the complaint, they will arrange and perform an investigation, ultimately producing a report that will be the basis of the Smithsonian's decision on the complaint. The complainant may request a hearing before the final decision is made or accept an immediate decision. The complainant may appeal the final decision to the Equal
Employment Opportunity Commission or file a civil complaint in federal district court.

OEESD has significant latitude in investigating complaints in both the formal and informal stages. They can access all records related to the incident and require full cooperation of all employees and affiliates involved. Formal complaints may not be made anonymously.

- **SI Civil**: Employees and affiliates are encouraged to report harassment to their manager (understood here to include supervisors, mentors, advisors, sponsors, and Contracting Officer representatives); the manager of the employee/affiliate engaging in harassment; another manager; and/or one of the points of contact listed above. Violent incidents and emergencies must be reported to OPS or local police by calling 911. There is no timeframe for filing a report.

  Supervisors who receive an allegation must report it within 24 hours to SI Civil. Mentors, advisors, or sponsors who are not supervisors must report allegations within 24 hours to their own supervisor, HR, or SI Civil. Minor incidents addressed by the supervisor must be reported for tracking purposes, but SI Civil may decide to perform a more thorough investigation.

  Upon receiving an allegation, SI Civil will work with unit HR staff to determine within 10 days of the initial report whether an administrative investigation is required. If an investigation is necessary, SI Civil will work with unit executives to conduct the investigation. Administrative investigations should typically be resolved within 30 days.

  Reports made through the SI Civil Program are kept confidential to the extent possible. Personally identifiable information and sensitive data related to a report are stored in a personnel database and made accessible for valid business reasons (like conducting an investigation) but otherwise generally protected from disclosure. Additionally, the name of an individual holding federal grants and found to have committed harassment will be reported to federal funding agencies as required by their funding agreements.

  - Are police included in the process? When and how? Are individuals accompanied by an advocate or someone from the organization?
    - Employees and affiliates must call emergency services for crimes in progress or when there is an expectation of imminent harm. The SI Civil Coordinator may also coordinate with OPS to monitor court cases and criminal proceedings related to complaints as necessary.

**What are the outcomes or consequences for reported individuals?**
• Outcomes by reporting process
  • **EEO:** The outcomes for reported individuals are handled case by case depending on what happened and whether or not the complaint was formal or informal. Outcomes are heavily dependent on whether or not the respondent discriminated within or without the scope of their duties. The number of incidents can also be taken into consideration. The first line supervisor, the unit and Labor-Employee relations develop a plan of action which can include penalties training, reprimand, etc. If the EEO finds a person culpable in a formal complaint they are labeled a ‘discriminator’ which leads to another round of penalties.

There is a Smithsonian table of penalties (SSH 1100, Chapter 752 Disciplinary and Adverse Actions) that outlines potential corrective actions, but it is vague and has not been updated since 1983. According to the Attorney Advisor, it basically says that adverse actions can range from a letter of reprimand to termination.

• **SI Civil:** Supervisors must work with the SI Civil Coordinator and OHR Labor and Employee Relations to determine an effective corrective action. Potential outcomes range from mediation to training to removal, but there is limited guidance for determining what corrective action is appropriate. The name of an individual holding federal grants and found to have committed harassment will be reported to federal funding agencies as required by funding agreements.

• Are reports tracked? How are they tracked? By who?
  o **EEO:** Formal EEO reports are tracked by the OEESD Director and Attorney Advocate.
  o **SI Civil:** The SI Civil Coordinator is responsible for tracking the data related to complaints and providing annual reports to the Smithsonian administration and Board of Regents, as well as complying with reporting policies set by funding agencies like NSF and NASA.

• Are repeated complaints escalated to a disciplinary board? What is the process?
  • **EEO:** Complaints can be filed over and over if harassment continues. With each complaint the whole process must start fresh. New complaints are not blind to previous complaints but EEO demands upper management remedy repeated complaints.
  • **SI Civil:** Repeated offenses are not specifically addressed by the SI Civil Handbook.

**What resources are available for individuals reporting?**
• Counselors are available for informal and formal complaints. Advocates are only available for formal complaints, but the gender/ethnicity/race of those advocates are likely not up to the complainant. Confidential short-term counseling is available through the EAP for federal and trust employees, fellows, and interns. Reporting individuals can also discuss allegations confidentially with the ombuds.
• Investigations do not impact evaluations because it would be considered retaliation, which is a form of harassment.
• Retaliation is listed as a form of harassment that can be reported through the SI Civil Program reporting process.

What resources are available to groups raising issues or proposing changes?
• Working groups or committees with power to change or propose changes to policy include:
  • The SI Civil Program Advisory Committee is tasked with assessing and recommending changes to the SI Civil Program. However, the charter for the PAC has not been completed and the process for advocating for changes to policies and procedures is unclear.
  • The NMNH IDEA Council was formed in 2020 to advise NMNH executives on topics related to inclusion, diversity, equity, and access. Its purpose is to "to explore and recommend strategies to transform the museum into a truly inclusive community." The council selects areas to investigate and improve based on proposals from its members.
  • The NMNH Senate of Scientists is a longstanding body of NMNH research and collections staff whose mission is "to consider and to promote any and all things of interest and importance to the scientific staff and to the scientific climate within the National Museum of Natural History." In 2020, the Senate of Scientists formed and funded the Committee for Diversity, Antiracism, and Belonging (cDAB) to address diversity and related issues.
  • Cultural surveys are performed both regularly and as a result of high-profile incidents. The 2020 GAO report notes that the Smithsonian uses its annual staff survey to assess cultural issues. These surveys, however, have historically only included employees. The Smithsonian also recently completed a diversity survey under the auspices of the NMNH IDEA Council.
  • Leadership is actively making changes with the founding of the NMNH IDEA council at the Museum level and the creation of the SI Civil Program at the Institution level.