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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

DAVID P. CLEARY, STAFF DIRECTOR
EVAN SCHATZ, DEMOCRATIC STAFF DIRECTOR

<http://help.senate.gov>

January 30, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos:

We write to you with deep concern regarding harassment in the workplace and to obtain information on what you are doing to address the issue within your agency. As you are well aware, workplace harassment is not a new issue that workers face; it is pervasive, systemic, and unacceptable. Recently, many brave women and men have spoken out to shed light on sexual harassment across the country. Women, in particular, have answered the call and their voices are leading the way in demanding change and equality—often taking great risk to speak out for the first time, and their voices are making a difference. As the head of a federal agency employing thousands of people, you can play a critical role in establishing and modeling safe work environments for all workers, and we hope you will do so.

Workplace sexual harassment is all too common, including in the federal government. According to the Equal Employment Opportunity Commission (EEOC)'s Task Force on Sexual Harassment in the Workplace report, an estimated 60 percent of women across our nation's workforce experience unwanted sexual attention, sexual coercion, sexually crude conduct, or sexist comments in the workplace.¹ In fiscal year 2015, the EEOC received 6,741 complaints from federal employees alleging harassment.² Forty-four percent of these complaints were on the basis of sex.³ At the Department of Education specifically, there have been four complaints of sexual harassment since 2012.⁴ While these numbers are very concerning, they do not come close to holistically capturing the scope of the problem as harassment is vastly underreported. The EEOC estimates that on average 87 to 94 percent of people never file a formal legal charge, and 70 percent of employees never file a complaint internally.⁵

¹ Chai R. Feldblum & Victoria A. Lipnic, *Select Task Force on the Study of Harassment in the Workplace: Report of the Co-Chairs*, U.S. Equal Employment Opportunity Commission 9 (June 2016), https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

² Feldblum & Lipnic at 6.

³ Feldblum & Lipnic at 7.

⁴ See U.S. Department of Education, *Equal Employment Opportunity Data Posted Pursuant to the No Fear Act: Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act)*, Pub. L. 107-174 1, <https://www2.ed.gov/about/offices/list/om/docs/no-fear-act-report-4qtr-2017.pdf>.

⁵ Feldblum & Lipnic at 16.

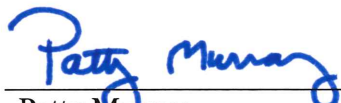
All executive branch employees, including Department of Education employees, are protected from workplace sexual harassment under Title VII of the Civil Rights Act of 1964. Federal government employees are also protected from workplace sexual harassment under federal employment anti-discrimination laws.⁶ As head of the Department of Education, your leadership is critical to ensure a harassment-free workplace and equal employment opportunities for Department of Education employees.

As such, we are interested in the ongoing discussions, plans, and actions within the Department aimed at protecting employees and establishing a safe working environment free from harassment. We request a briefing about the ways in which the Department is addressing this issue and to discuss any suggestions you may have about how to strengthen and improve legal protections and processes in the workplace. Additionally, we request the following information by no later than February 13, 2018:

1. Descriptions, charters, and rosters of Department policy, or working groups, or taskforces on the issue of harassment;
2. A copy of the Department's non-discrimination policy;
3. A copy of the Department's policy regarding anti-harassment training, a listing of the annual occurrences of such trainings, the curriculum used in the trainings, and a description of other types of trainings related to harassment offered at the Department, including but not limited to bystander intervention training;
4. A copy of the Department's contracts with companies conducting training related to harassment;
5. A copy of the Department's dispute resolution process and policies;
6. A copy of the Department's Table of Penalties, outlining the Department's recommended disciplinary actions for personnel misconduct;
7. The total cost and number of harassment settlements made during FY2013, FY2014, FY2015, FY2016, and FY2017; and
8. A description of any other efforts the Department undertakes to assess and address workplace harassment.

We all have a great deal of work to do to address harassment in the workplace. We appreciate you taking this matter seriously and providing full and prompt responses. If you have any questions regarding my inquiries you can contact Carly Rush or Laurel Sakai at 202-224-0767 with Senator Murray's Health, Education, Labor, and Pensions Committee Staff.

Sincerely,

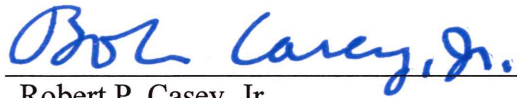


Patty Murray
United States Senator



Bernard Sanders
United States Senator

⁶ See 42 U.S.C. §2000e-16(a)-(b) (prohibiting discriminatory practices for federal employees and providing for enforcement by the Equal Employment Opportunity Commission); see generally 29 C.F.R. §1614 (establishing procedural regulations for enforcement of complaints from federal sector employees).



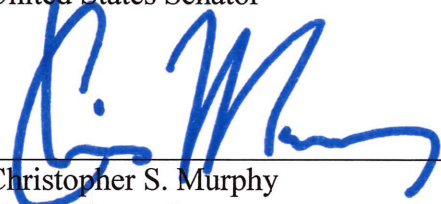
Robert P. Casey, Jr.
United States Senator



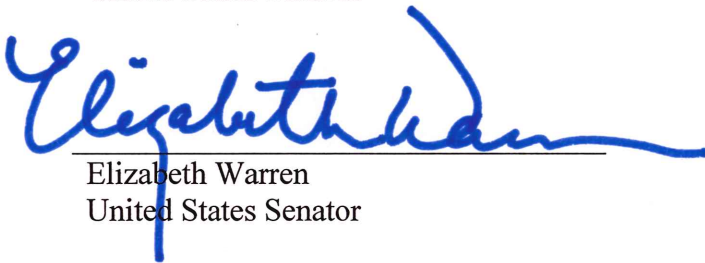
Michael F. Bennet
United States Senator



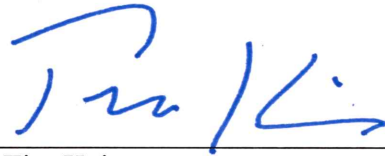
Tammy Baldwin
United States Senator



Christopher S. Murphy
United States Senator



Elizabeth Warren
United States Senator



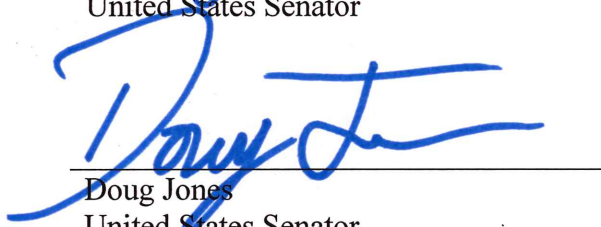
Tim Kaine
United States Senator



Margaret Wood Hassan
United States Senator



Tina Smith
United States Senator



Doug Jones
United States Senator