

**STATEMENT OF CASSANDRA M. LAW  
ASSISTANT SECRETARY FOR HUMAN RESOURCES AND  
ADMINISTRATION/OPERATIONS, SECURITY, AND PREPAREDNESS  
DEPARTMENT OF VETERANS AFFAIRS (VA)  
BEFORE THE  
COMMITTEE VETERANS' AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES**

**“VA’S HR OFFICE: DID LEADERS IGNORE AND PERPETRATE SEXUAL  
HARASSMENT?”**

**FEBRUARY 14, 2024**

Good morning, Chairman Bost, Ranking Member Takano, and distinguished Members of the committee. Thank you for the opportunity to provide testimony and for your longstanding support of Veterans and their families. I am honored to be testifying as VA’s Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP). Also testifying today is Bruce Gipe, the Acting Assistant Secretary for the Office of Accountability and Whistleblower Protection (OAWP), the office that led the comprehensive internal investigation into the allegations of wrongdoing and misconduct at the Office of Resolution Management, Diversity and Inclusion (ORMDI).

I grew up with a keen awareness of and respect for VA. My father was a physician and served as both an academic and clinical leader for Veterans Affairs for over 33 years. He instilled in me the importance of the VA mission; a reverence for our Nation’s Veterans; and the significance of leading with intent, inclusion, and integrity – qualities that drive my leadership style to this day. Thirty-five years ago, I was fortunate to secure a job working on the best mission there is in the Federal Government: serving Veterans, their families, caregivers, and survivors through the Department of Veterans Affairs. My first job at VA was providing care to Veterans on the front line to improve their health and well-being through recreation therapy at VA Palo Alto. I was so proud to come into work every day to serve those who served our country, as my father had as I was growing-up, – and to help them get the health care they earned and deserved. I spent years providing direct care to Veterans in a wide variety of clinical settings, before moving on to serve in numerous roles throughout VA.

Ensuring a harassment free environment is a personal issue for me. I have seen the costs to individuals and institutions when employees are subject to improper, abusive conduct in the workplace. It is a waste of human potential, inconsistent with the core values of the VA and hinders our ability to accomplish our mission.

That is why one of my top priorities in my new role as Assistant Secretary is to ensure we are cultivating a safe, welcoming, and harassment-free environment for Veterans and employees at VA. Like all appointees and new members to the senior executive service, and as new VA employees across the country are encouraged to do,

the first thing I did upon being sworn in as Assistant Secretary on January 19, 2024 was take the White Ribbon VA pledge to never commit, excuse, or stay silent about sexual harassment, sexual assault, or domestic violence against others. Anything less is unacceptable and does not meet my personal standard.

I immediately followed up on my first full day as Assistant Secretary by directing an immediate review of all harassment prevention training materials. I want to be certain we are being as effective as possible in training our employees on how to identify and eliminate sexual harassment and assault. To that end, I created a task force to review our current training, and it will report back to me in the coming weeks with recommended steps to maximize the effectiveness of VA's training program.

Also on my first full day, I directed all Under Secretaries, Assistant Secretaries, and other senior officials to complete a workplace harassment stand-down. To implement this stand-down, each VA Administration and staff office was directed to develop a plan of action and milestones to ensure that employees at all levels fully understand and adhere to VA's zero-tolerance policy. All stand-downs are required to be completed by April 30, 2024, or within 30 days of completing bargaining requirements. This intentional focused review will reinforce the importance and concepts of the mandatory training VA uses to educate our workforce on the prevention of sexual harassment and sexual assault and bystander training.

On the day I sworn in, I sent a message to the entire team of 400,000+ teammates at VA with a clear message: I am here to support each and every one of you and to make certain that VA is a safe, welcoming, discrimination-free, and harassment-free environment.

## **ORMDI Allegations**

### **OAWP Investigation**

In 2017, Congress established OAWP so VA would have an office of highly specialized employees to investigate allegations of senior leader misconduct and whistleblower retaliation by supervisors. Since then, OAWP has made significant strides in fulfilling Congress's intent and upholding the core values at VA. These improvements include more timely investigations and higher quality investigative reports and disciplinary recommendations. Following these improvements, OAWP's disciplinary recommendations were accepted by management in nearly all cases over the last 2 years. As an indication of its improved reputation and greater trust from employees, OAWP has received more complaints over the last few years compared to the years initially following its creation, while the number of VA-related complaints received by Office of Special Counsel has decreased.

On September 24, 2023, OAWP received allegations against several senior leaders in ORMDI, and immediately initiated an investigation. OAWP was given a deadline by the Chief of Staff for completion of its investigation by January 28, 2024 –

an expedited schedule given the number of allegations raised in the matter and the importance we attached to it.

OAWP conducted an independent and exhaustive investigation. During the course of the investigation, OAWP conducted over 40 interviews, and obtained and searched through thousands of electronic messages. The result was a 125-page final report that carefully evaluated each of the allegations and cross-allegations by ORMDI personnel, finding merit in many of the claims of misconduct, finding other allegations not to be substantiated by the evidence, and recommending a number of strong disciplinary and non-disciplinary actions.

## **OAWP Findings**

OAWP's investigation substantiated multiple allegations raised against certain officials in ORMDI. The specific OAWP findings included the following:

- An ORMDI official engaged in a variety of misconduct, including inappropriate conduct of a sexual nature with a subordinate employee; inappropriate personal relationship with a subordinate employee; using inappropriate and unprofessional language in the workplace; failing to investigate or stop sexual harassment brought to his attention; inappropriately blind copying employees and non-employees on emails without a valid reason; and generally contributing to a hostile, toxic, and unprofessional work environment.
- An ORMDI supervisor engaged in inappropriate conduct of a sexual nature.
- An ORMDI supervisor intentionally declined to take action to address sexual harassment allegations against a subordinate employee, and then ignored a direct order to initiate a factfinding into those allegations.

OAWP's investigation also found that senior leaders at ORMDI and HRA/OSP engaged in poor management and failed to take immediate and appropriate action to address the harassment concerns brought to their attention. In particular, OAWP found:

- An ORMDI senior leader engaged in misconduct in failing to take action to stop the sexual harassment he was notified of, and failed to properly supervise an ORMDI official, allowing the harassment to continue.
- An HRA/OSP senior leader failed to ensure a senior leader took prompt and appropriate action when notified of the allegations against an ORMDI official.

It should also be noted that OAWP's investigation did not substantiate many of the allegations raised by complainants, as they were not supported in the witness testimony or documentary evidence.

## **OAWP Recommendations**

OAWP recommended disciplinary action for several employees. Specifically, OAWP recommended that:

- One ORMDI employee be removed from Federal service and have bonuses recouped;
- Bonuses be recouped from a senior ORMDI official who retired during the investigation;
- Two ORMDI supervisors receive no less than a suspension; and
- A senior HRA/OSP official and a senior ORMDI official receive training on management's obligations when responding to sexual harassment complaints.

OAWP also made a number of non-disciplinary recommendations. These included changes to VA's reporting structure for ORMDI, policies for workplace personal relationships, and anti-harassment training.

## **Corrective Actions**

Based on the OAWP findings and recommendations, VA is taking several actions to address the serious problems at ORMDI identified by OAWP and reinvigorate VA's efforts to create a respectful and harassment-free environment.

## **Disciplinary Actions**

VA is carefully considering the OAWP report and expects to make a decision in the coming weeks about what, if any, disciplinary action to propose for the individuals named in the report.

## **Policy Changes**

VA is creating an anti-fraternization policy to address romantic or sexual relationships in the workplace, including between supervisors and subordinates. While the development of the new policy is still in process, I expect it will require disclosure of any such relationships and prohibit inappropriate supervisor-subordinate relationships.

We also are reviewing and modifying Directive and Handbook 5979, *Harassment Prevention Program Procedures*, to further clarify management's obligations when they receive allegations of harassment. The expectation for leaders – as is clearly stated in the Directive and Handbook – is that they act swiftly any time an allegation of harassment is brought forward. In addition to the clear obligation in policy, VA will update the Directive and Handbook to provide further guidance and examples to illustrate this obligation of managers to act swiftly any time an allegation of harassment is brought forward.

## **Restructuring**

The OAWP report highlighted that the current ORMDI reporting structure is not in accordance with recent laws passed by Congress. However, as OAWP also noted, the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 (Cummings Act) and the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 (Cleland-Dole Act) impose contradictory requirements on VA. Not mentioned in the report is the fact these requirements further conflict with other existing statutory requirements regarding VA's leadership structure. The Department recognizes that the reporting of ORMDI needs to be restructured, and we are exploring the best way to do that moving forward in light of the conflicting statutory mandates. We are working diligently on arriving at this decision and hope to further engage with the Committee in the near future with our thoughts regarding the best path forward.

## **Personnel**

VA is working to fill the position of a permanent Deputy Assistant Secretary of ORMDI. Additionally, I also am exploring bringing in a consultant who can assist me in the important work of restructuring and retraining of ORMDI.

## **Training**

We plan to bring in outside expertise to provide EEO and anti-harassment training to all ORMDI employees. The training will be interactive and comprehensive. As briefly referenced earlier, at my direction, a task force is reviewing the effectiveness of VA's current anti-harassment training and will report back with recommendations by early March. In addition, ORMDI management will receive additional training on managerial responsibilities whenever harassment is alleged including within the ORMDI organization.

## **U.S. Postal Service (USPS) Fact-findings**

VA contracts with USPS to perform EEO, and discrimination and harassment claims filed by ORMDI employees or others considered to have a conflict of interest. At the suggestion of OAWP, we will review all USPS fact-findings from the past two years to ensure all issues raised have been properly addressed.

## **Conclusion**

I want to close by emphasizing again that this effort is of vital and personal importance for me. I have dedicated my entire career in service to VA, and I am committed to ensuring we are cultivating a safe, welcoming, and harassment-free environment. The stand-down and training materials review that I ordered are just the first step. As discussed above, VA is making changes in policies, reporting structure,

personnel, training, and reviewing USPS fact-findings, among other actions. The bottom line is that I will make sure that VA does whatever it needs to do to rebuild VA employees' trust in ORMDI and create a safe, welcoming, and harassment-free environment for Veterans and our incredible workforce at VA.

Chairman Bost, Ranking Member Takano, and Members of the Committee, thank you for allowing VA the opportunity to testify today.