

Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington D.C. 20515

**Response to Questions for Lieutenant Commander Kimberly Young-McLear, PhD
U.S. Coast Guard**

December 11, 2019, titled “Righting the Ship: The Coast Guard Must Improve Its Processes for Addressing Harassment, Bullying, and Retaliation”

Chairman Thompson,

Thank you again for the opportunity to testify and to provide these written responses for the record. I am available at any time in the future to respond to any additional questions you may have.

1. A December 6, 2018, Military.com article reported that Admiral Schultz wanted to “understand the allegations of bullying, harassment.” Has he met with you to discuss your experience and consult with you on ways to improve the climate and culture at the Coast Guard?

I have known Admiral Karl Schultz since 2006 when he was the Commanding Officer of Sector Miami. As an Ensign within my capacity as the unit’s safety and occupational health coordinator, I regularly briefed then Captain Schultz on unit leadership and climate issues that negatively affected mission readiness and effectiveness. He and I maintained a professional relationship over the 13 years to include direct emails from him to me congratulating me on career milestones, such as, on promotions, the 2016 NAACP Roy Wilkins Award, completing my PhD, and even interactions with my capstone students at the Coast Guard Academy. In January 2017, the Coast Guard military policy office (CG-133) formally adopted into its first Anti-Hazing and Anti-Bullying Policy, the definition of bullying I shared with them from the Workplace Bullying Institute. At the 2018 National Naval Officers Association Symposium (NNOA), Admiral Schultz downplayed congressional oversight in his keynote remarks stating that there were only “perceptions” at the Coast Guard Academy. During a non-private interaction with him after his keynote, he asked me how I was doing so on August 12, 2018 (subj: NNOA), I emailed Admiral Schultz directly and communicated that what I had “experienced was aggression in the form of racism and workplace bullying.” I articulated that my experience was grounded in facts, evidence, and that the Coast Guard has a history of decades of documented studies about its own culture. I also conveyed the toll on my mental health, professional reputation, and the impact on my active duty Coast Guard spouse (Training Officer at the Leadership Development Center). I offered solutions and stated, “I also sincerely hope I am invited to have a future conversation about addressing our Service culture and closing gaps in our policies.” On February 8, 2019, Admiral Schultz approached me at the Black Engineer of the Year (BEYA) awards dinner. He initially engaged in small talk before he unconvincingly expressed that he was “surprised” about the DHS OIG report released in December 2018. When I interjected “August 12th,” he then disclosed that his attorneys advised him not to respond to my August 12, 2018 email. (This was the first email since 2006 that he never replied to me). Admiral Schultz verbally committed that he would sit down to discuss my case with my wife and me. On March 1, 2019, I emailed Captain Fedor and Captain Raymond who are executive assistants for the Commandant and Vice Commandant, respectively. In that communication, I inquired when “Admiral Schultz will be honoring his Feb 8 offer to meet with my wife, CDR Yamasheka Young-McLear and me; his next visit to CGA is March 5-6.” Despite my years professional expertise on the topic of bullying and harassment, and the years of what I have endured as a survivor of bullying, harassment, discrimination, and retaliation, on Monday March 4, 2019 at 8:31pm, Captain Fedor declined on behalf of Admiral Schultz and stated that “he has multiple engagements to make during that short time and will be fully occupied with them.” To date, Admiral Schultz has never met with me, rather he declined all offers to discuss what I experienced and consult with me on ways to improve the climate and culture in the Coast Guard.

2. What would receiving a formal written apology from the Commandant for the Coast Guard's failures to address your complaints appropriately and for the retaliation you endured mean for you and other survivors?

The Coast Guard, well beyond the Coast Guard Academy, repeatedly damaged my health, professional reputation, obstructed my ability to perform, and violated my privacy since 2014. I engaged in six internal Coast Guard/Dept of Homeland Security bullying and/or civil rights processes while enduring daily abuses. All of the Coast Guard processes for reporting wrongdoing failed me. All of the individuals in my chain of command, from the Coast Guard Academy's Management Department to the Commandant, failed me. There has never been anyone held accountable for the years of abuse I sustained and the indefinite damage to my reputation that I will face because of the Coast Guard failing to fully acknowledge wrongdoing. The abuses were not only at the Coast Guard Academy, who failed to investigate my claims (type of cover-up), but were also throughout the service as the Deputy Commandant for Mission Support chain of command at Coast Guard Headquarters purposely ignored and overturned key evidence (type of cover-up) further damaging my professional reputation on a much larger scale. Additionally, from a health perspective, I had suffered suicide ideation from the years of daily psychological injuries from bullying and harassment. Since 2017, I had put forth "written apology" and "meeting with the Commandant, Vice Commandant, and Head of Civil Rights" as resolution terms in the complaint processes. On March 1, 2019, well after the DHS OIG had publicly reported their findings and after DHS Secretary Nielsen had directed Admiral Schultz to take action, I again contacted Coast Guard Headquarters. I emailed Captain Fedor and Captain Raymond requesting a written apology from Admiral Schultz on behalf of the Coast Guard, among other items. All of my requests were subsequently denied in writing. On June 28, 2019, Senator Chris Murphy wrote directly to Admiral Schultz demanding accountability and a formal written apology. To date, I do not have any documentation from the U.S. Coast Guard that acknowledges that my allegations were in fact correct and that the Coast Guard violated its own policies and laws by failing to ensure I was in a safe environment, free from bullying, harassment, and retaliation. The absence of the formal written apology not only confirms that I have no value as a human being in the organization, but it also sends a broader chilling effect to survivors and anyone else who may be thinking of coming forward in the future to report any type of allegations - from sexual assault to bullying. It sets the entire service on an extremely dangerous precedent that signals the Coast Guard is above its own core values, policies and laws. It reinforces to perpetrators that despite our core values, policies and laws, they will always be protected and possibly rewarded by the highest levels of the Coast Guard. It reinforces that all the Coast Guard's diversity and inclusion efforts are window dressing and lip service. It signals to LGBTQ, women, Black people, people of color, and ethical people that they have little to no value and therefore impacts mission readiness and retention. It signals to youth and future generations aspiring to serve in the Coast Guard that they are not welcome if they have a propensity for moral and ethical courage. It signals to people who have a propensity to disregard the fair treatment of LGBTQ, women, Black people, people of color, and ethical people, that they are welcomed in the Coast Guard. It reinforces that the Coast Guard is willing to jeopardize mission readiness and talent management in exchange for not admitting wrongdoing. Receiving a formal written apology is an important symbol of change. It would allow me, other survivors, and our families to begin our very long healing process. It would give us some measure of hope for the future of the service. It would signal that we in fact have tremendous value in the Coast Guard, considering many of us are in operational and cybersecurity fields. It would signal that we are worthy of care, compassion, and dignity and that we are equals, not less than, in the Coast Guard.

3. The Equity Scorecard Review highlighted that "of particular urgency is Black/African-American cadets' disproportionately high share of disciplinary actions."

a. Do you agree with these findings? What do minority students at the Academy tell you about the environment there?

I agree with these findings. Prior to University of California's Center for Urban Education conducting its equity study of student data at the Coast Guard Academy, I was an instrumental team member who helped

determined which indicators would be selected for the study. As the faculty member who stood up the Coast Guard Academy's first Leadership Diversity Advisory Committee (LDAC), and who is faculty advisor to the Genesis Council (Black/African-American) and Spectrum Council (LGBTQ), I have earned the trust of students on campus. In the countless interactions with students, I observed a troubling pattern where overwhelmingly, students who identified as LGBTQ, Black, person of color, female, or highly ethical, experienced with more racism, sexism, homophobia, and retaliation. This had a direct impact on their sense of self, confidence, academics, military performance, and mental health. Black students, in particular, shared that they were disciplined by staff in ways they perceived were more targeted and personal than their peers. Black students repeatedly shared a range of experiences with staff and faculty members from lacking cultural competence to being hostile and harassing. I provided dozens of support letters for students facing disciplinary action and in most cases I attended the proceedings to directly observe and offer my perspectives. I shared these insights with the Vital Signs Report team from the University of California. Some students have confided that they plan to do their minimum obligation time of five years as an officer and depart the service as they see a visceral double-standard in being disproportionately punished or being subjected to a toxic environment while senior leaders (many of whom do not identify as Black/people of color) are not subjected to hostility and are not held accountable for policy violations.

- b. To your knowledge, what steps is the Coast Guard taking to address these findings, and are these steps adequate?

The Coast Guard Academy established an Equity Task Force after the Vital Signs Report was publicly released in 2018 to examine the report's findings. To my knowledge, the Coast Guard Academy has not made any substantive improvement to specifically address Black/African-American students being disproportionately punished. The Equity Task Force does not have a dedicated Inquiry Team for cadet punishment, instead there is a generic inquiry team for "Cadet Achievement." In the Equity Task Force's Interim Report for Goal 3, which is linked to the Coast Guard Academy Strategic Plan, it states the objective is to "Improve Outcomes for minoritized cadets." Actions to date included setting up a platform to collect continuous data (already in existence is the Academy's Institutional Research Office), and standing up the "first" Center for Inclusive Leadership and Teaching (already in existence was the Center for Teaching and Learning), and generically increasing the frequency of cross-disciplinary and interdepartmental dialogue related to cadet outcomes (which already exists under the mission of the Coast Guard Academy). Most telling, however, is that under Next Steps, there are zero steps or actions to study the underlying causes of why Black/African-American students were disproportionately punished from 2015-2018. Putting a database in place to measure the future equity gap is not a solution for understanding the root cause and therefore addressing the equity gap itself. As an example of the continued absence of compassion and lack of understanding basic root cause analysis methods, the Coast Guard Academy up through December 6, 2018 has continued to use the Henriques Room for ceremonies, high-profile events, cadet masts, and even all previous and the most recent Board of Trustees meetings. Some of the murals in this room were already documented for years as racially hostile, and in particular is noted in the Vital Signs Report itself, which the Coast Guard Academy had an advanced copy as early as September of 2018. The murals were pointed out in person to the chain of command by the director of the Center for Urban Education earlier in 2018 during a briefing in the Henriques Room, which I attended. To illustrate: the epitome of the complete failure and disregard to understand the lived experiences of Black cadets' who have been repeatedly harmed by the institution is continuing to conduct demeaning disciplinary proceedings against Black cadets in the Henriques Room well in late 2019. These proceedings and subsequent disciplinary actions were overseen by individuals in the chain of command who claim to have cultural competence because they attended a week-long SEED (Seeking Educational Equity and Diversity) training, which is continually boasted as an achievement of the Equity Task Force. In the 28 months since the Academy received an advanced copy of the Vital Signs Report in September 2017, I have not seen any reports or documents that would inform Black students, faculty, and the campus at-large how the roots of this outcome were analyzed and what has been done to mitigate and close this equity gap. Any action taken to date by the Equity Task Force, which Admiral Schultz has endorsed, has been woefully inadequate and has perpetuated a

superficial climate steeped in self-promotion over effectively addressing the root causes of why our systems, leadership, policies, and culture disproportionately harms Black students.

.c. Do you think the retaliation you experienced has had an impact on cadets from underrepresented communities, given that you are one of the few Black women on the Academy faculty?

Yes, the retaliation I have experienced has not only had a grave negative impact on Black cadets, but it has had a negative impact on all ranks (cadets, faculty, and staff) of LGBTQ, women, people of color, and ethical people on campus. Not only am I the only Black female Coast Guard officer on campus, but I am also the highest ranking openly gay/lesbian officer. I am also probably the only Black female officer in the entire Coast Guard with a PhD in engineering. I have devoted my career to serving my country and serving others, which includes mentoring those in the College Select Pre-Commissioning Initiative (CSPI) program, enlisted, officer, civilians, and cadets. I also develop and execute engineering and cyber outreach programs for middle and high school students. When mentees, former bosses, colleagues, friends, community members, or youth discover that I have been severely mistreated by an organization that saves lives, they are outraged. Because I am so intimately involved with executing our multiple missions and building authentic relationships and partnerships, the retaliation against me is not only felt by my wife and me, but it is felt immensely by those who I've touched throughout my career. The retaliation is felt within the various professional communities within the Coast Guard, including – but not limited to - engineering, cyber, marine safety, human resources, and intel. To offer a few specific examples, the retaliation has impacted the mental health and devotion of students who identify with any aspect of my identity to include my ethics. The retaliation has been traumatic to survivors of bullying, harassment, discrimination and even sexual assault. It has re-triggered their trauma and disdain towards leadership they once trusted. Cadets ascertained if it happened to their teacher who may look like them, it will happen to them. Cadets have questioned how they will be treated in the fleet and how pervasive the culture must be if the highest levels of the Coast Guard perpetuated harm and abuses against me. Cadets questioned why they joined the Coast Guard. Cadets questioned if they have the confidence and stamina to do the right thing at their very junior ranks. With respect to faculty, the retaliation instilled fear in some faculty members who have been weighing daunting professional and financial decisions, such as, applying for or maintaining tenured positions. Some faculty members who were bullied have been re-triggered and have sought immediate, additional mental healthcare. The retaliation also negatively impacts future faculty recruiting and reinforces the continuous cycle of lack of diversity for faculty and staff.

4. What changes need to be made in the Coast Guard's culture and in its organizational processes to ensure that minorities, women, and LGBTQ individuals are welcome and ultimately have the chance to serve their nation without fear of harassment, bullying, or retaliation?

While the Coast Guard tends to focus on “diversity and inclusion” or “recruiting and retention,” none of these initiatives can be effectively sustained in the absence of swift accountability for those who have violated Coast Guard policies and Federal laws. The Coast Guard must immediately improve its culture with respect to accountability, transparency, and integrity. Currently in the Coast Guard, those who foster toxic and unlawful climates are protected, rewarded, and pushed up while those who report the abuses are isolated, retaliated against and pushed out. To truly have a thriving and responsive workforce to national security needs, our policies, leadership, and culture all must be working in harmony. We need a base in Psychological Safety and Moral Courage (see figure on page 7).

Accountability: Leaders must immediately hold individuals accountable for violating policies and laws. As one example of an individual who bullied me, on February 26, 2019 Vice Admiral Ray explained to faculty that he and the Commandant agreed that Captain Lopes not having the opportunity to complete the remainder of his 30 years of service was “punishment enough.” As it pertains to the hearing, all those who must be held accountable are those who violated the Military Whistleblower Protection Act (MWPA), Civil Rights Act, Civil

*Rights Manual, Anti-Hazing and Anti-Bullying Policy, which thereby resulted in abusing power, creating a hostile work environment, bullying, condoning of bullying, disregarding evidence, overturning evidence, providing false official statements, violating privacy, psychological injuries, downgrading my evaluation, and failing to appropriately investigate claims. The Coast Guard's 2017 Anti-Hazing and Anti-Bullying Policy makes clear that remedies for those who bullied or condoned the bullying can include administrative discharge proceedings. The policy also states that bullying is punishable under various provisions of the UCMJ, 10 U.S.C 801-946. Holding people accountable now, to include removal, to any violation of our culture (sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation) will send the strongest possible message to the workforce that change is being made and change is welcomed. It is the only way to salvage our integrity on these matters and any matter involving human resources. **All "Culture of Respect" violations (sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation) must be punitive orders, subject to discharge or removal from service.***

Transparency: *The Coast Guard has never published any press releases, emails to the service, or messaging on social media about the DHS OIG report or Congressional oversight into harassment, bullying, and retaliation. The absence of this transparency is highly visible to marginalized groups of people and other groups who have been tracking these issues very carefully. **The Coast Guard must publicly state what specific actions they have taken to address the bullying, harassment, and retaliation to include circumventing of policies, violating policies, and violating laws.** For contrast, Admiral Schultz communicated via email his disapproval and actions taken against a petty officer who flashed a white power symbol during a hurricane response interview. Why was there some degree of transparency on the 15 second actions of a petty officer and not the collective and individual failed actions of a dean, several Captains, 7 admirals, 2 SES, and their legal staffs who perpetuated 4 years of abuse directed against a Black lesbian in the Coast Guard? The Coast Guard has a longstanding pattern of ignoring or otherwise covering up evidence of its own wrongdoing, whether it is administrative investigations or reports about its own service culture. In 2015, the Coast Guard's Force Readiness Command (FORCECOM) completed a report titled "Culture of Respect." Trained analysts followed a methodology to include an extant review of literature and interviewing survivors of sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation. These "Culture of Respect Violations" were documented and recommendations were provided to improve the culture and systems that were harming the workforce. Instead of acting on the recommendations and releasing the report to the workforce, Coast Guard leadership made analysts sign non-disclosure agreements and essentially shelved the report. In a superficial attempt to not appear to have disregarded the 2015 findings of the report, the Coast Guard held a very small engagement in May of 2019 for 25-30 select individuals to review the report and share recommendations. **The Coast Guard must immediately release the 2015 Culture of Respect report to the workforce so that everyone has a baseline understanding of the culture and we honor the survivors who made emotional space to be interviewed.***

*Another example, in April of 2019, Senator Blumenthal asked Admiral Schultz at a Senate Budget Hearing if he was conducting townhalls where employees could ask questions about discrimination and other similar issues. To date, the Coast Guard Commandant has yet to have any townhall to hear directly from survivors and witnesses on their experiences and ways the service can improve. To further illustrate this point, I submitted a question on Admiral Schultz's Townhall Facebook page in November of 2019. My question was ultimately stripped, re-edited, and only a pre-canned legal statement about the service not tolerating bullying was provided as his response. Admiral Schultz ignored my core question of having a dedicated forum to hear from survivors and others, as Senator Blumenthal inquired. **The Coast Guard Commandant must have regular "no rank" townhalls with survivors, witnesses, policy makers, external subject-matter experts, and trained facilitators to authentically listen to the core issues and be held accountable for implementing real solutions.***

Integrity: *Coast Guard officials circumventing bullying and harassment policies as well as disregarding evidence known to be credible are not actions of integrity. Furthermore, failing to fully acknowledge wrongdoing is also not acting with integrity. At an oversight hearing on September 26, 2018, Chairman Cummings asked Admiral Schultz to comment on where the service stood with respect to diversity and climate*

*of cadets and faculty. Admiral Schultz responded by articulating his personal commitment to support the Coast Guard Academy. Admiral Schultz stated that the Academy investigated claims of both discrimination and racial bias and have taken action. He made no specific mention of faculty claims of discrimination yet offered various cadet diversity statistics. Given I emailed Admiral Schultz directly on August 12, 2018, more than 30 days before this hearing, specifically about my allegations and experiences of racism and workplace bullying, it was misleading and inaccurate to characterize his response in the manner he did to Chairman Cummings. Similarly, in July of 2019 in response to my public comment about the Coast Guard declining to provide a formal written apology, a Coast Guard spokesperson erroneously remarked that Admiral Schultz had publicly apologized to me in March of 2019. Of the 1300 people in attendance at the Commandant's leadership address on March 5, no one heard any apology by Admiral Schultz. To the contrary, many cadets and faculty were offended by his comments about bullying and described it as "horrible" and "distasteful." **The Coast Guard must take ownership and publicly acknowledge that a top performing Black lesbian in the field of cybersecurity was abused for years because leadership failed to adhere to its own policies and laws.***

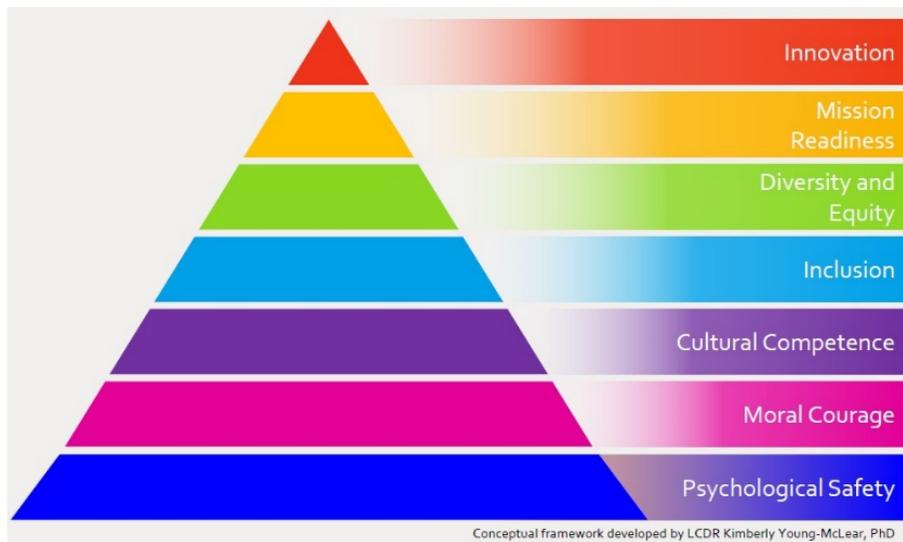
a. What existing initiatives or processes could the Coast Guard update or enhance in order to improve the culture and climate of the service?

The Coast Guard can improve on many of its initiatives and processes, including but not limited to:

- *"Make whole" for substantiated cases of sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation via Coast Guard, DHS Civil Rights, or DHS OIG processes. The service must accommodate "make whole" terms specified by the complainant. Standard minimum practice must also include a formal written apology from the Commandant to the complainant and medical support services.*
- *Take prompt disciplinary action against those who violate policies and laws and also those who provide false statements in any sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation process.*
- *Commission specially trained, independent external investigators for investigations involving claims of sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation.*
- *Establish a program office for all Culture of Respect Violations (sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation) to manage the complete lifecycle from education, reporting, investigations, privacy, remediation, disciplinary action, transparency, restoring complainant professional career impact and reputation, restoring complainant dignity, medical/mental support, to closing policy gap and education – with a particular competencies in innovation, mission readiness, equity, diversity, inclusion, cultural competence, moral courage, and psychological safety. This program office would report directly to the Commandant and have independent oversight by the Department of Homeland Security.*
- *Immediately release the 2015 Culture of Respect report to the workforce. Assess annually the culture of the Coast Guard annually using the same FORCECOM methodology for "Culture of Respect" but also leveraging internal analysts, external experts, and survivors to measure improvements or setbacks in the culture as well as progress towards implementing recommendations.*
- *Develop, in coordination with external experts and survivors, robust case studies and in-person, facilitated unit-level discussions and at each of the training accession and continuing education locations. Cases and training should use Culture of Respect violation cases, such as the 2018 DHS OIG Whistleblower Report and the Congressional report "Righting the Ship."*
- *Consult with subject matter experts within the Coast Guard Academy's Engineering Diversity Initiative who have adopted the framework (page 7) and have seen positive results for creating healthy and innovative work environments for underrepresented groups and all groups.*
- *Change the hiring criteria for Command leadership billets, accessions billets, and training billets, to include a demonstrated track record in eliminating Culture of Respect violations.*

- Commission a team of external experts and survivors to examine all Commandant instructions, policies and organizational systems (Evaluations, Boards and Assignments, etc), from a lens of innovation, mission readiness, equity, diversity, inclusion, cultural competence, moral courage, and psychological safety, with a particular focus on the impact to LGBTQ people, Black people, people of color, women, and ethical people.
- Conduct a barrier analysis and root cause analysis of why the Coast Guard has failed to implement critical feedback and post-study recommendations from previous workforce studies from 1980 to present.
- Make available the qualitative data from annual and past Defense Equal Opportunity Climate Survey (DEOCS) reports for every Coast Guard unit must be made available to every employee in the service on the Coast Guard portal.
- Create a Culture of Respect library for all investigations, reports, and artifacts pertaining to sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation in the Coast Guard.
- Promptly post all FOIA records to the e-FOIA reading room for cases on sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation.
- Collect, publish, and publicly report mental health and suicide data in alignment with military branches in the Department of Defense.
- Collect, publish, and publicly report military non-judicial and UCMJ data by race, gender, sexual orientation*, and rank.
- Collect, publish, and publicly report sexual assault, sexual harassment, bullying, hazing, discrimination, harassment, and retaliation by race, gender, sexual orientation*, and rank.
- Collect, publish, and publicly report workforce intersectional demographic data (race, gender, and sexual orientation* together) for every rank/paygrade for each year.

*Sexual Orientation data would be optional for the Coast Guard employee to provide



Kimberly Young-McLear
 Lt. Cmdr. Kimberly Young-McLear, Ph.D.

"Every day, I wake up with one goal: to make sure our children & generations yet unborn will reach their God-given potential—and that the future we are creating is a brighter one for every child."
 – The late Honorable Elijah Cummings