

NATIONAL GALLERY OF ART

*Office of the Director*

July 18, 2018

Dear Chairmen Calvert and Murkowski and Ranking Members McCollum and Udall,

Division G of the Explanatory Statement accompanying the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018 (P.L. 115-141) directs the National Gallery of Art to submit a report to the Committees on Appropriations regarding specific corrective actions concerning recent reports of harassment and a hostile work environment at the Gallery. The attached report provides our response.

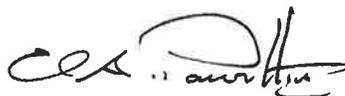
I would like to state unequivocally that the Trustees, Executive Officers, and supervisory staff of the National Gallery absolutely agree with the Committee's belief as stated in the Explanatory Statement: all employees have the right to a harassment-free workplace. The Gallery is unwaveringly committed to maintaining a workplace free from discrimination and harassment based on race, color, national origin, religion, sex, age, disability or genetic information and free from retaliation for opposing discrimination or participating in the equal employment opportunity process. As the attached report makes clear, our review of past EEO cases indicates no adverse findings against the Gallery nor have we been required by the Equal Employment Opportunity Commission (EEOC) to take corrective steps arising from filed EEO complaints.

In compliance with Section 412 of Division G of P.L. 115-141, this report will be posted to the Gallery's website after forty-five days.

If you have further questions, please feel free to contact me or Delia Scott, the Gallery's Congressional Liaison. Delia may be reached at 202-842-6656.

With all best wishes,

Sincerely,



Earl A. Powell III

Enclosures

The Honorable Ken Calvert  
Chairman, Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Lisa Murkowski  
Chairman, Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

The Honorable Betty McCollum  
Ranking Member, Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Tom Udall  
Ranking Member, Subcommittee on Interior,  
Environment and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

National Gallery of Art  
Report to Committees on Appropriations  
Anti-harassment and Anti-discrimination Policies and Practices  
July 2018

Division G of the Explanatory Statement accompanying the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018 (P.L. 115-141) directs the National Gallery of Art to submit a report to the Committees on Appropriations regarding specific corrective actions concerning recent reports of harassment and a hostile work environment at the Gallery.

The Gallery is unwaveringly committed to maintaining a workplace free from discrimination and harassment based on race, color, national origin, religion, sex, age, disability, or genetic information and free from retaliation for opposing discrimination or participating in the equal employment opportunity (EEO) process. All claims of harassment and retaliation are taken very seriously, and in each case appropriate action is taken to address complaints. Employees may bring concerns to any supervisor, the Personnel Officer, the Equal Employment Officer, the Internal Auditor, and/or the Ethics Officer or via the Administrative Grievance Procedure or Negotiated Grievance Procedure or the Whistleblower Hotline.

Our review of past EEO cases indicates no adverse findings against the Gallery nor have we been required by the Equal Employment Opportunity Commission (EEOC) to take corrective steps arising from filed EEO complaints. In striving to promote an inclusive, professional and respectful workplace, however, the Gallery on its own initiative takes corrective action for conduct that fails to meet this standard regardless of whether it rises to the level of discriminatory or harassing conduct.

The Gallery uses a variety of methods to promote and ensure a workplace free of harassment and discrimination. It employs formal policies and procedures, requires training for all staff, and has established specific staff positions with responsibilities for creating a respectful workplace, responding to staff complaints and developing training.

#### Policies and Procedures

The Gallery has separate policy circulars that address EEO rights, reasonable accommodations for individuals with disabilities, workplace ethics and whistleblower procedures, as well as the grievance procedures applicable to both its bargaining and non-bargaining unit employees. All employees are made aware of these policies during new employee orientation. All employees are encouraged to review these policies, which are available on the Gallery's intranet, and to utilize the procedures set forth therein. The applicable Gallery policy documents are listed below and attached.

- Circular No. 39, Equal Employment Opportunity
- Circular No. 39-2, Reasonable Accommodation for Individuals with Disabilities (This circular is being revised and will be reissued later this calendar year.)
- Circular No. 82, Ethical and Financial Complaints
- Circular No. 84, Whistleblower Hotline
- Whistleblower Hotline Brochure
- Circular No. 23, Administrative Grievance Procedure
- Circular No. 23A, Negotiated Grievance Procedure (for bargaining unit employees)

The Gallery issues to all staff annually a memorandum from the Director (dated February 12, 2018 this year) reiterating his personal commitment and the commitment of the Gallery to a workplace free from discrimination, harassment and retaliation. Earlier this year, the Gallery developed a policy reminder memorandum entitled *Anti-harassment and Retaliation Policy and Complaint Procedure*, which is distributed to all staff three times each year. The most recent memorandum, dated June 7, 2018, is attached, along with the Director's memorandum from February 12.

In recent months, the Gallery has taken extra efforts to ensure all staff have knowledge of and access to these policies and procedures. The Director's annual memo, in addition to electronic delivery, is now posted on every available bulletin board throughout Gallery work spaces. The policy reminder memorandum is distributed to all staff in hard copy once a year and electronically twice a year. However, many Gallery staff make limited use of their email accounts, particular those staff in security and facilities management who spend little time at work stations. To ensure that those staff receive this important memo three times annually, the Gallery reviewed its email system to determine which offices and departments include staff who infrequently utilize their email accounts. Those offices now receive the policy reminder memo in hard copy three times a year.

### Training

The Gallery requires mandatory EEO training for all staff every two years. In addition, the Gallery requires that supervisors and managers take specialized training every two years. The Gallery has recently deployed an additional in-person, interactive group training for supervisors and managers. Both the Personnel Office and the EEO Office offer courses on the EEO process and the prevention of discrimination and harassment. Some of the courses offered regularly include: *An Overview of EEO for Employees*, *An Overview of EEO for Supervisors and Managers*, *EEO and Harassment for Employees*, *Preventing Harassment for Employees*, and *Preventing Harassment for Supervisors and Managers*. The Gallery recently trained all managers and supervisors on their responsibilities relating to complaints or observations of potential inappropriate conduct of a sexual nature. Since the beginning of 2017, almost 800 staff have taken harassment prevention training, and training is always ongoing. Presently, the Gallery is developing an e-learning sexual harassment awareness course for all staff, which will be deployed later this year.

## Positions with Specific Responsibilities

With the Executive Officers as the leaders, all Gallery managers and supervisors are held accountable for promoting a workplace free of discrimination, harassment and retaliation. In addition, the Gallery has the following positions with specific responsibility for creating a professional and respectful workplace, responding to employee concerns or complaints, and developing and providing training:

- Administrator
- Personnel Officer
  - Deputy Personnel Officer
  - Gallery Representative
  - Workplace Feedback and Reasonable Accommodations Coordinator
  - Employee Engagement Officer
  - Training Officer
  - Training Specialist
- EEO Officer
  - Eight EEO counselors (collateral duty)
- Internal Auditor
  - Staff Auditor
- General Counsel
  - Associate General Counsels
- Ethics Officer
  - Deputy Ethics Officer

## Budget

A shortage of guard staffing since the East Building reopened in 2016 has contributed to a requirement for considerable overtime work, resulting in a challenging environment for some of the affected staff which in turn may adversely affect employee morale. While this situation is not directly related to addressing complaints of harassment or discrimination, the Gallery believes that improvements to the work environment will contribute positively to improve employee morale. The Gallery will continue to work to increase the number of guard positions over the coming years to reduce the need for overtime.

In conclusion, the Gallery actively uses the policies, procedures, programs and staff positions discussed above to respond to employee concerns and complaints readily and appropriately. We are always working to promote employee development and enhance morale. Our aim is to improve what we consider to be already a positive working environment.