

Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the Federal Emergency Management Agency Workforce

Carra S. Sims

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*Harassment and Discrimination on the Basis of Gender and Race/Ethnicity in the Federal
Emergency Management Agency Workforce*

Testimony of Carra S. Sims¹
The RAND Corporation²

Before the Committee on Homeland Security
Subcommittee on Emergency Preparedness, Response, and Recovery and Subcommittee on
Oversight, Management, and Accountability
United States House of Representatives

January 20, 2022

Thank you Chairwoman Demings and Chairman Correa and Ranking Members Cammack and Meijer for allowing me to testify before this joint hearing of your subcommittees today. I am Carra Sims, a senior behavioral and social scientist with the nonprofit, nonpartisan RAND Corporation and principal investigator and author of a study published in December 2020 on the prevalence and characteristics of sexual harassment, gender discrimination, racial/ethnic harassment, and racial/ethnic discrimination at the Federal Emergency Management Agency (FEMA).

In 2018, FEMA executed an internal investigation into sexual harassment and misconduct in its senior leadership ranks. However, very unusually, they did not stop there. Unlike most organizations confronted with these issues, FEMA leaders chose to *openly* discuss and address the problems. As part of this effort, they reached out to the Homeland Security Operational Analysis Center (HSOAC)—which is operated by RAND for the Department of Homeland Security (DHS)—to provide an independent and objective assessment across the organization of both the overall prevalence and the characteristics of harassment and discrimination at FEMA.

¹ The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of the RAND Corporation or any of the sponsors of its research.

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We found that civil rights violations had affected many employees in the FEMA workforce. Twenty percent of employees categorized as having experienced a gender-based/sexual civil rights violation, and 18.4 percent of employees categorized as having experienced a violation on the basis of race/ethnicity in the year prior to the survey. The risk of experiencing such a violation varied across FEMA offices, and employee perceptions of leadership behaviors that set a climate for harassment and civility varied by demographic group. Employees' actions after experiencing a civil rights violation reflect these perceptions; many did not report their concerns formally and for those that did, though some experienced a positive result, a substantial minority did not.

In light of these findings, we recommended that the agency

1. explore differences in culture and climate between offices that had low rates of civil rights violations and those with higher rates
2. explore interventions with leaders at all levels to ensure that leaders understand how best to handle harassment and understand their responsibility to address it
3. reduce barriers to reporting
4. increase accountability and transparency in dealing with harassment and discrimination reports at all levels of leadership
5. continue monitoring harassment and discrimination in the workforce.

Now I'd like to go into a bit more detail about the study and its findings as I think the subcommittees might find the information helpful.

The Study and Findings

After FEMA's 2018 internal investigation into sexual harassment and misconduct, FEMA leaders chose to openly discuss the problems and the need to develop and maintain a workplace in which all employees are treated with professionalism and respect. Although FEMA's investigation provided insights into the culture and misconduct in one FEMA office, it was not designed to provide a comprehensive account of harassment and discrimination across the organization; that was HSOAC's task.

Working with FEMA, we prioritized key areas of focus for a survey that would provide them with an objective assessment of prevalence.

We decided to focus on two classes of civil rights violation: first, harassment and discrimination on the basis of sex/gender, given the origin of the survey effort, and second, harassment and discrimination on the basis of race/ethnicity.

We did not want to use a lengthy survey that included every possible workplace problem because it might not be answered thoroughly and carefully, leading to biased results. Race/ethnicity was selected because both we and FEMA hypothesized that it would be the second most common form of discrimination in the workplace, with gender-based concerns being the most common.³ We intended to provide a more complete description of the types of

³ We used behaviorally based survey measures to estimate the percentage of FEMA employees who had experienced at least one civil rights violation in the preceding year. These measures of harassment and

civil rights violations experienced by FEMA employees. (*Civil rights violation* is an umbrella term that includes harassment and discrimination on the basis of membership in any protected class.)

We also focused on perceptions of leadership climate for gender-based and race/ethnicity-based harassment, assessing perceptions of leadership behaviors. Such behaviors play a critical role in establishing and maintaining climate.⁴

We used multiple survey items to ensure that we covered key aspects of harassment climate. These key aspects included employees' perceptions related to the risk of making a complaint, perceptions of possible sanctions for the perpetrator, and perceptions that their concerns would be taken seriously.⁵ We assessed both perceptions of severe behaviors and examples of experiences that happen frequently and are sometimes considered less severe. We measured climate at two levels: the immediate supervisor and FEMA senior leadership. Finally, we examined general workplace incivility, which is low-intensity, deviant behavior that is not specifically directed at a protected class of employee but speaks to workplace climate.

HSOAC fielded this survey in April and May 2019. Of the 21,982 FEMA personnel invited to participate, 8,946 responded (a 44.9-percent response rate). These responses were weighted to represent the FEMA population.

Overall, civil rights violations affected many employees in the FEMA workforce, with 20.0 percent of employees categorized as having experienced a gender-based/sexual civil rights violation; women were more likely to experience a civil rights violation (26 percent) than were men (14 percent).

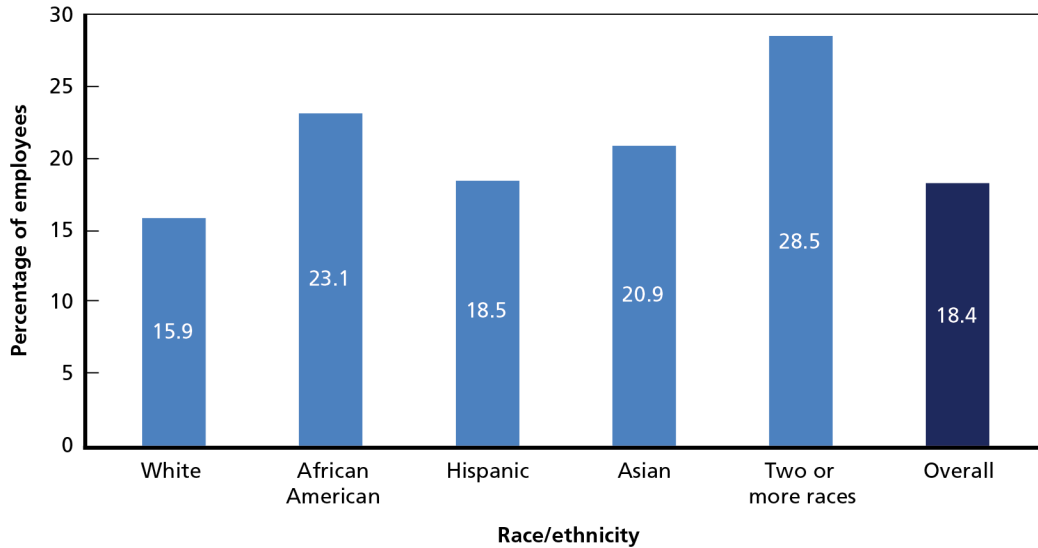
As shown in Figure S.1, 18.4 percent of employees were categorized as having experienced a violation on the basis of race/ethnicity in the past year.

discrimination first documented inappropriate workplace behaviors, followed by (where applicable) an assessment of additional legal requirements necessary for these experiences to rise to the level of civil rights violations. We categorized an employee as having experienced a civil rights violation if their survey answers indicated that someone from work had engaged in (1) harassing behavior that offended the respondent *and* was either persistent or severe or (2) behavior perceived as discriminatory that caused a workplace harm. This classification treats the survey respondents' answers as accurate. An independent investigation of the experiences described by respondents could discover that some people had experienced civil rights violations even though we had not classified them as having had one, while some people whom we classified as having experienced violations did not.

⁴ M. G. Ehrhart, B. Schneider, and W. H. Macey, *Organizational Climate and Culture: An Introduction to Theory, Research, and Practice*, New York: Routledge/Taylor & Francis Group, 2014.

⁵ C. L. Hulin, L. F. Fitzgerald, and F. Drasgow, "Organizational Influences on Sexual Harassment," in M. S. Stockdale, ed., *Sexual Harassment in the Workplace: Perspectives, Frontiers, and Response Strategies*, Thousand Oaks, Calif.: Sage Publications, Inc., 1996, pp. 127–150.

Figure 1. Estimated Percentage of FEMA Employees Categorized as Having Experienced Race/Ethnicity–Based Civil Rights Violation in the Preceding Year, by Race/Ethnicity

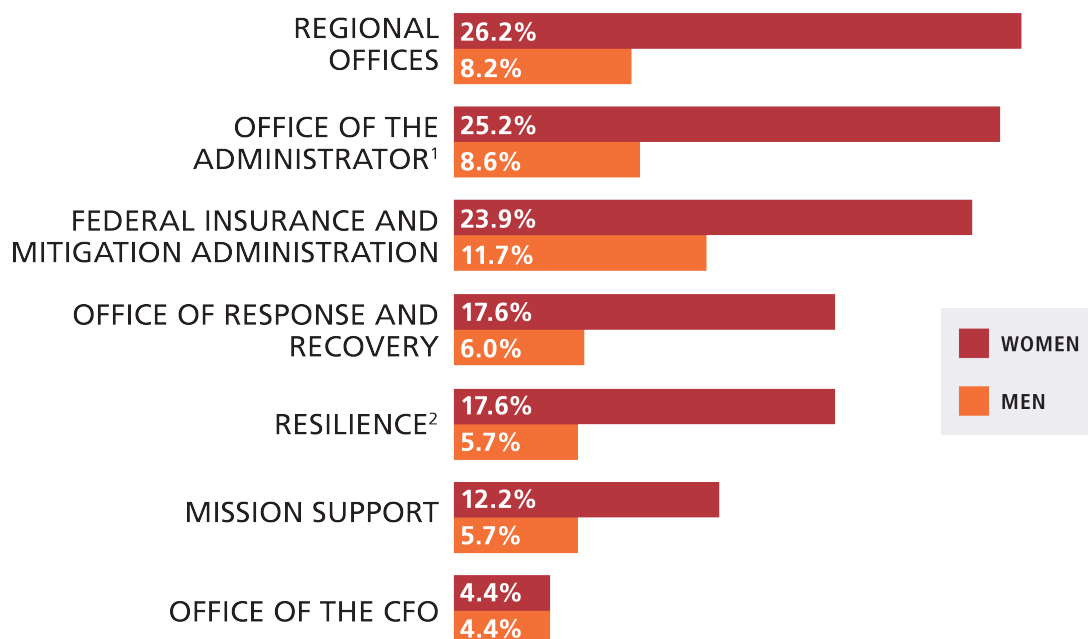


Based on the 2019 survey, we estimated that about one in three FEMA employees experienced at least one gender-based/sexual or race/ethnicity-based civil rights violation in the preceding year.

Risk Varies By Office

Rates of civil rights violations varied across offices. For example, women in Mission Support and the Office of the Chief Financial Officer were less likely to be categorized as having experienced gender-based/sexual harassment than women in other offices. Similarly, the estimated rate of racial/ethnic harassment was lower in Mission Support and in the Office of the Chief Financial Officer than in other offices. Figure 2 shows one of these findings.

Figure 2. Estimated Percentage of FEMA Employees Categorized as Having Experienced Gender Based/Sexual Harassment Civil Rights Violation in the Preceding Year



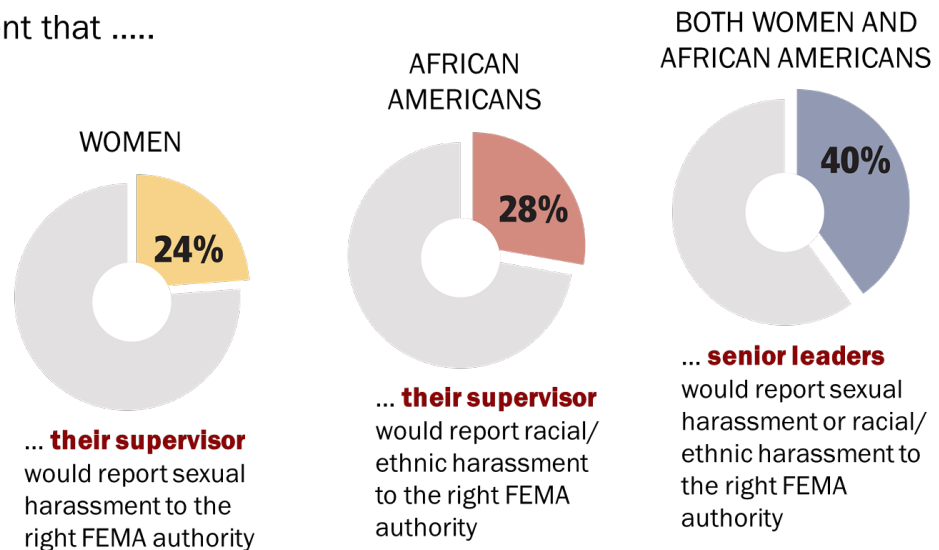
Some Employees Mistrust Leadership, and Perceptions Of Work Environment Vary

Findings from our climate assessment suggest some areas of concern. Despite the majority of FEMA employees saying that leaders would respond appropriately to harassing behaviors, a fairly substantial proportion perceived leadership behaviors as neutral at best and perhaps actively harmful. FEMA employees’ perceptions of their direct supervisors’ responses to sexual and racial/ethnic harassment were consistently more positive than their perceptions of senior-level FEMA leaders’ responses.

For example, 24 percent of women indicated that they were neutral about, disagreed with, or strongly disagreed with a statement that their supervisors would report sexual harassment to the right FEMA authority, while approximately 28 percent of African-American employees had similar opinions about how their supervisors would handle racial/ethnic harassment. Approximately 40 percent of women and 40 percent of African-American employees expressed similar sentiments about senior leaders. Figure 3 shows these results.

Figure 3. Responses to Behaviorally Based Gender and Racial/Ethnic Climate Item

Respondents who were neutral about, disagreed with, or strongly disagreed with a statement that



In general, men had more-positive perceptions of the work environment at FEMA than women did. This was true for perceptions of their supervisors, FEMA leader response to sexual harassment, and the general work environment climate.

In addition, African-American employees tended to have less-positive perceptions of the climate for racial/ethnic harassment and the general work environment climate than white or Hispanic employees had.

To the extent that enforcement of workplace norms for civility and professional behavior relies on strong, consistent, and unambiguous support for appropriate norms, this suggests that FEMA employees perceive discrepancies.

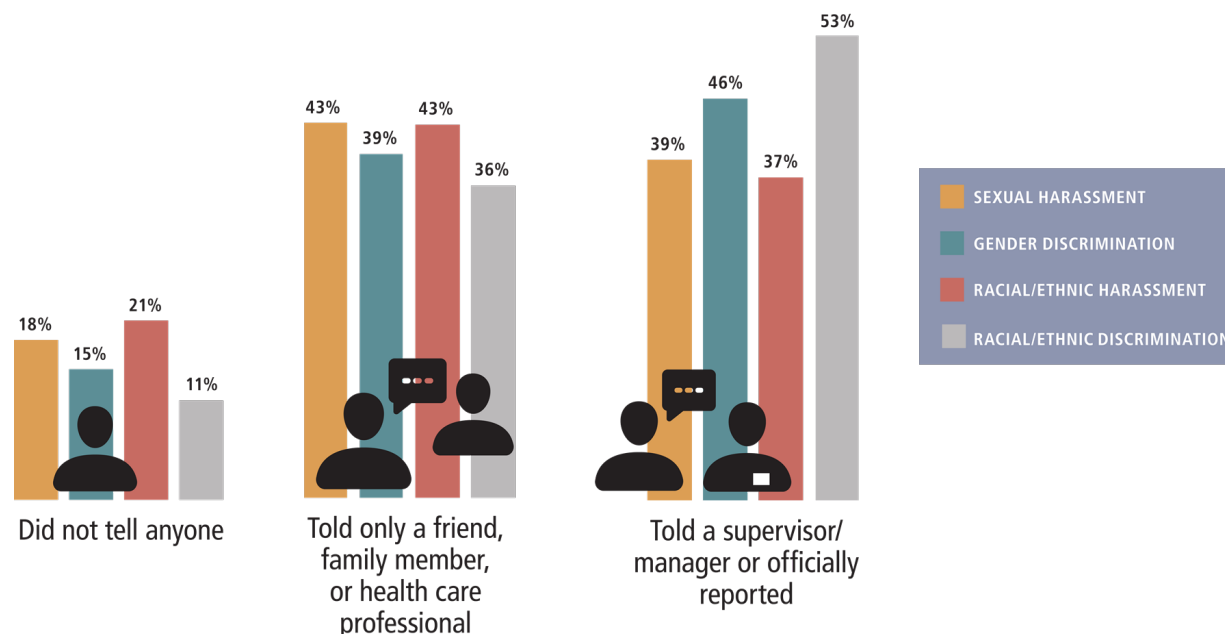
Reporting Decisions Suggest That Barriers Exist

FEMA employees' concerns are reflected in the actions that they took after a civil rights violation. Only one-third to one-half of FEMA employees who had experiences consistent with harassment or discrimination in the preceding year had reported the incident to a supervisor or manager or through another official channel (see Figure 4).⁶ The top three barriers to reporting

⁶ One important issue to consider when exploring why someone does or does not report harassment or discrimination is whether the victim considers the experience to be something worth reporting. This judgment often hinges on whether the victim labels the experience as harassment or as discrimination. It is not uncommon for people who describe experiences on a survey that are classified as harassment or discrimination to not label these experiences as civil rights violations—that is, not to consider their experiences as harassment or discrimination on the basis of a protected class. Most laypeople are not familiar with laws surrounding Title VII or equal employment opportunity law and related regulations, and, although they might view their experiences as problematic, they were

were that the employee “did not think anything would be done” about it, wanting to “forget about it and move on,” and fearing being “labeled as a troublemaker.”

Figure 4. Disclosure Decisions Among FEMA Employees Who Had Experienced Harassment or Discrimination in the Preceding Year



Many of the common barriers to reporting can be alleviated by ensuring that leadership at all levels knows what to do with a report and has the tools at hand to take action. Supervisors should also be held accountable for dealing with concerns of retaliation. Including an evaluation of how supervisors handle these issues as part of the performance review cycle is one possibility; it is unclear whether this is already a consistent part of that process at FEMA.

Most FEMA employees who reported discrimination felt either neutral or dissatisfied with FEMA’s response. This result could be related to the actions taken in response to the report: About 40 percent of those having reported gender (40.0 percent) or racial/ethnic discrimination (42.1 percent) were encouraged to drop the issue, and 39.6 percent of those who reported gender discrimination and 34.2 percent of those who reported racial/ethnic discrimination indicated that the person that they told had taken no action to improve the situation.

Employees also noted frequent retaliation. Of those who reported harassment, 20 percent or more indicated having been subject to some form of retaliation. Of those who reported discrimination, 35 percent or more indicated having been subject to retaliation.

If FEMA employees are to trust the system through which they must report negative workplace behaviors, then accountability and transparency at all levels of leadership should be

unlikely to be able to label them as civil rights violations (L. F. Fitzgerald, S. Swan, and K. Fischer, “Why Didn’t She Just Report Him? The Psychological and Legal Implications of Women’s Responses to Sexual Harassment,” *Journal of Social Issues*, Vol. 51, No. 1, 1995, pp. 117–138.).

increased so that employees have some sense that action will be taken to protect them from further negative workplace experiences.

Continue Monitoring Harassment and Discrimination in the Workforce

This study provides a baseline of workplace harassment and discrimination at FEMA. Refielding the survey every two or four years would allow FEMA leadership to track the prevalence of civil rights violations in the workforce over time and would provide an objective measure of the effectiveness of any policy changes and prevention efforts.

Conclusion

The data from this survey has few comparators. Measures of violations are not the same across organizations, which makes direct comparisons with other organizations difficult. Differences in civil rights violation rates could be caused by a genuine difference in the prevalence of violations, or they could simply be a consequence of different measurement strategies.⁷

Moreover, organizations that are not required to measure the prevalence of violations are unlikely to do so, and they are even less likely to report their findings. Other than the military, which is required by law to assess the prevalence of these types of experiences, organizations that assess violations tend to be required to do so as part of the evidence-gathering process for a class-action lawsuit.

Evidence that harassment and discrimination exist is unwelcome to organizations unwilling to do the work to create better working environments for their employees. FEMA is the only organization, to our knowledge, to confront such evidence voluntarily and publicly, demonstrating the agency's commitment to face issues head on and work to improve. This effort highlights FEMA's commitment to transparency to the public and to its employees as it tackles these issues. It also offers the opportunity to advance the study of harassment and discrimination in the workplace and help solve issues elsewhere.

Changing organizational culture and climate is no easy task, and prescriptions for how to do so tend to be so vague as to not be useful. A comprehensive and holistic set of interventions that incentivize professional and respectful workplace behavior could help leaders prevent and effectively address negative behaviors in the FEMA work environment. One vital component in organizational change, however, is measurement of the problem. Supporting organizations that measure transparently and share their findings helps establish an evidence basis for other organizations that wish to alleviate issues of harassment and discrimination in the workplace. Given the relative lack of comparators and empirical guidance,⁸ organizations that engage in

⁷ This is the case not only with measurement of harassment and discrimination but also with other measures that do not use the same items.

⁸ See, e.g., evidence presented in C. R. Feldblum and V. A. Lipnic, *Select Task Force on Harassment in the Workplace*, Washington, D.C.: U.S. Equal Employment Opportunity Commission, 2016; and National Academies of Sciences, Engineering, and Medicine, *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, Washington, D.C.: The National Academies Press, 2018.

interventions and report results are standard bearers whose transparency can help society change for the better. FEMA now has an empirical estimate of the prevalence of gender-based/sexual and race/ethnicity-based harassment and discrimination to serve as a yardstick against which to measure change efforts.

Chairwoman, Chairman, and Ranking Members, thank you again for the opportunity to appear before you today about this important subject. I look forward to answering your questions.