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**OFFICE OF THE INSPECTOR GENERAL
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE**

for [redacted]
To: Chief, D14 [redacted] **Date:** 29 February 2016
From: [redacted] Senior Investigator [redacted]
Subject: [redacted] Chief, [redacted] Hostile Work Environment
File No: IV-16-0008
Precedence: Routine
Purpose: To provide a summary report of investigation, and to recommend that this case be closed.

Details:

[redacted] (b) (3) - P.L. 86-36
[redacted] (b) (6)

[redacted] (b) (3) - P.L. 86-36

I. (U) Background

(U//~~FOUO~~) From 24 June 2015 through 16 December 2015, the OIG received allegations (anonymous and confidential) that [redacted] Chief [redacted] and his subordinate, [redacted] were involved in an inappropriate relationship that was creating a hostile work environment.

(U//~~FOUO~~) [redacted] was a [redacted] prior to his promotion to Chief of [redacted] in July 2012. [redacted] promotion to Chief was part of a reorganization in the division and was not a position in which he applied. In February 2015, [redacted] was moved to [redacted] due to renovations to their [redacted] space. [redacted] is open, low cubicle style seating.

II. (U) Issue

(U//~~FOUO~~) Did [redacted] create a hostile, offensive, or intimidating work environment by having a personal relationship with a subordinate?

III. (U) Applicable Standard

(U//~~FOUO~~) NSA/CSS Policy 1-37, Annex D – Prohibition of Harassment

1. NSA/CSS shall maintain a work environment free of conduct that interferes with another individual's performance or that creates an intimidating, hostile, or offensive environment. All NSA/CSS personnel are responsible for ensure a harassment-free workplace.

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(U//~~FOUO~~) NSA/CSS PMM Chapter 366, Section 2, Personnel and Security Standards, Work Environment - Employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance.

A. Harassment/Intimidation – Employees will not use any actions or words that denigrate or show hostility toward an individual for any reason...

IV. (U) Investigative Activity

A. (U) Document Review

The OIG reviewed [redacted] official government email and Lync Chat conversations. The Lync Chat conversations confirmed a personal relationship between [redacted] and [redacted]

B. (U) Interviews

(U//~~FOUO~~) The OIG interviewed and obtained sworn testimony from five [redacted] employees who have worked for [redacted] for last three years. All agreed that the initial two years were great. [redacted] was described as technically awesome, smart, articulate, great writer, capable of great things, helpful, got people trained, held regular meetings, and had an open door policy.

(U//~~FOUO~~) In February 2015, [redacted] was moved from [redacted] due to renovation, to an open, low cubicle style office space at [redacted]. The open seating involved everyone, including [redacted] [redacted] took the seat next to [redacted] [redacted] in May 2015, and their friendship became a major distraction leading to negative feelings among the office personnel.

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(U//~~FOUO~~) Those interviewed agreed that the move to [redacted] was the catalyst to the decline of the work environment of [redacted] [redacted] and [redacted] would sit very close together, talk/whisper, and were seen leaving the office together. Most employees felt awkward trying to talk to [redacted] with [redacted] listening to their conversations. Many of the employees had an established friendship with [redacted] dating back several years. The seating arrangement and extra attention that he gave to [redacted] caused negative feelings, which then increased to jealousy in the office.

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(U//~~FOUO~~) The behavior was viewed as distracting, annoying, and disrespectful; causing low morale. The employees viewed the office atmosphere as toxic, unhappy, edgy, jealous, and tense. With the exception of one incident in which [redacted] allegedly called someone a "backstabber," none of the witnesses alleged that [redacted] used hostile actions or words against individuals. None of the employees interviewed described the office as intimidating, hostile, or offensive.

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(U//~~FOUO~~) [redacted] was interviewed on 16 February 2016 and provided the following sworn testimony.

(U//~~FOUO~~) He described his tenure as [redacted] Chief as a "dismal failure." [redacted] never wanted to be a supervisor, yet he was placed in a position of supervision without any training. He admitted that his relationship with [redacted] was "arguably inappropriate," but he was always available for his employees. [redacted] was unaware of the impact this relationship had on the personnel in [redacted]. The division [redacted] was moved to a "temporary" location that provided limited privacy for [redacted] to meet with his employees.

V. (U) Analysis

(U//~~FOUO~~) The NSA/CSS PMM, Chapter 366, 2-1 requires that employees will not engage in any conduct that creates a hostile work environment and/or interferes with an individual's work performance. The NSA/CSS Policy 1-37, Annex D, requires that the work environment shall be free of conduct that interferes with another individual's performance or that creates an intimidating, hostile, or offensive environment. The OIG found that the personal relationship between [redacted] and [redacted] that witnesses viewed as creating a hostile work environment, did not violate any NSA/CSS policy.

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(U//~~FOUO~~) The OIG looked at the totality of the testimony of the five witnesses. All agreed that the conduct of [redacted] as their supervisor, was distracting, annoying, and inappropriate for the workplace; however, it was not threatening, hostile, or intimidating. Furthermore, one incident in which [redacted] used an arguably offensive term was not sufficiently pervasive to constitute harassment or intimidation. An examination of [redacted] actions revealed no threats, offensive language, gestures, or other conduct that impacted an individual's work performance or the work environment. The OIG concluded that [redacted] conduct, while ill-advised, was not sufficiently severe or pervasive to create a hostile work environment as defined in NSA policy.

VI. (U) Conclusion(s)

(U//~~FOUO~~) Based on a preponderance of the evidence, we concluded that [redacted] did not create a hostile work environment at [redacted].

VII. (U) Recommendation(s)

(U//~~FOUO~~) This case can be closed as unsubstantiated.