



Investigative Report of Misconduct at the Grand Canyon River District

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This is a version of the report prepared for public release.

SYNOPSIS

In September 2014, U.S. Department of the Interior (DOI) Secretary Sally Jewell received a letter of complaint and request for investigation from 13 former and current National Park Service (NPS) employees who had at various times worked in the Grand Canyon National Park's (GRCA) River District. The 13 complainants submitted declarations describing incidents they experienced or witnessed over a period of approximately 15 years. They believed that these incidents, which they alleged were committed by River District employees during GRCA river trips, demonstrated evidence of "discrimination, retaliation, and a sexually hostile work environment." Many of the incidents, they said, were reported to GRCA supervisors but subsequently were not properly investigated or reported to NPS human resource (HR) or Equal Employment Opportunity (EEO) representatives. DOI Chief of Staff Tommy Beaudreau requested that we investigate these allegations.

We learned during our investigation that GRCA management disciplined two of the complainants and did not renew their term employment after other GRCA employees filed sexual misconduct complaints against them following a February 2014 river trip. The two former employees said that the complaints against them were an attempt at retribution because the other GRCA employees were friends with two River District boatmen who had been disciplined in the past after the former employees filed sexual harassment complaints against them. We investigated the complaints of misconduct against the two former employees, as well as the actions GRCA management took in response.

We found evidence of a long-term pattern of sexual harassment and hostile work environment in the GRCA River District. In addition to the 13 original complainants, we identified 22 other individuals who reported experiencing or witnessing sexual harassment and hostile work environments while working in the River District.

We also confirmed that some of the incidents were reported to GRCA supervisors and managers but were not properly investigated or reported to HR and EEO. This violated DOI policies requiring managers and supervisors to promptly report such complaints.

Although we did not discover evidence of prohibited personnel practices in the disciplinary and administrative actions taken against the two former GRCA employees, we found the following:

- The proposing and deciding officials for the disciplinary action, as well as an NPS HR specialist who was involved, felt that GRCA's internal investigation into the circumstances surrounding the complaints was insufficient and incomplete.
- The proposing official "perceived pressure" from GRCA leadership to take action against the two former employees, and the deciding official felt "internal pressure" to take action against them in order to reduce the incidents of sexual misconduct in GRCA.
- Many of the managers in the former employees' supervisory chain of command, including GRCA Superintendent David Uberuaga, felt that the discipline they received was inconsistent with previous actions taken against employees for sexual misconduct.

In addition to this report, we issued two management advisories to the NPS Director asking him to review and address potential concerns we discovered during our investigation.

BACKGROUND

Grand Canyon National Park River Trips

The Grand Canyon National Park's (GRCA) River District has law enforcement and emergency-services jurisdiction over the Colorado River corridor of GRCA. The River District is also responsible for managing the National Park Service's (NPS) river trips through the park.

NPS conducts river trips approximately 12 times per year, in all seasons. The trips, each of which may last several weeks, have various purposes, such as education, scientific research, and maintenance of trails and shorelines. Through its boat shop, the River District provides watercraft and small-craft operators (known throughout NPS simply as "boatmen") for all NPS trips, but trip participants may come from a variety of other GRCA work units, such as the Vegetation or Archeology Programs, and even from outside entities, including commercial contractors, volunteer organizations, and educational programs. Trips often involve multiple stops so that trip participants can fulfill various tasks: taking samples, for example, or eradicating invasive species. Boatmen and other trip participants camp together at designated campsites along the river.

Each river trip has two experienced employees designated as "leaders." A River District boatman will act as the "trip leader"; in this capacity, the boatman is responsible for handling navigation, river safety, camping and supplies, and other river-related activities. The second leader, the "project leader," is usually a trip participant from one of the programs that are doing work on the trip. The project leader manages the projects and tasks that program employees must complete to meet the trip's goals.

The River District has a history of reported incidents of sexual harassment and hostile work environments against its employees. Many of these incidents allegedly occurred during river trips.

Relevant Policies and Regulations

Sexual harassment, according to U.S. Department of the Interior (DOI) Equal Opportunity Directive No. 2002-16, dated April 16, 2002, is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or sexually offensive work environment."

DOI and NPS policies state that when employees complain of sexual harassment to managers or supervisors, these officials must act promptly to investigate the complaint and remedy any misconduct.

The DOI Equal Opportunity Program defines a hostile work environment as a form of harassment demonstrated by severe and pervasive conduct that permeates the work environment and interferes with an employee's ability to perform his or her job. The U.S. Department of Labor (DOL) defines a hostile work environment as "unwelcome conduct of supervisors, coworkers, customers, contractors, or anyone else with whom the victim interacts on the job, and the unwelcome conduct renders the workplace atmosphere intimidating, hostile, or offensive." DOL provides the following examples of behavior that may contribute to a hostile work environment:

- discussing sexual activities;
- telling off-color jokes involving race, sex, disability, or other protected areas;
- touching the victim unnecessarily;
- commenting on the victim's physical attributes;
- displaying sexually suggestive or racially insensitive pictures;
- using demeaning or inappropriate terms or epithets;
- using indecent gestures;
- using crude language;
- sabotaging the victim's work; or
- engaging in "hostile physical conduct."

Attempts by Senior GRCA Management To "Change the Culture" of the River District

All members of senior GRCA management, including Superintendent David Uberuaga (assigned to GRCA in July 2011) and Deputy Superintendent Diane Chalfant (assigned in March 2013) have told us that they were familiar with the River District's history of alleged sexual harassment and hostile work environment. GRCA senior leadership has tried to address the issues by—

- updating the River District's standard operating procedures (SOPs) covering behavior during river trips;
- requiring that briefings on proper conduct be held before river trips; and
- requesting an Equal Employment Opportunity (EEO) investigation into allegations of misconduct in 2013.

Despite these actions, misconduct continued to be reported during river trips.

Although the EEO investigation was completed in September 2013, we found that the EEO report was not distributed to key GRCA managers and NPS human resource (HR) officials, and no disciplinary or administrative action was taken against employees who were identified in the report as having violated DOI and NPS regulations. We discuss these issues later in this report.

DETAILS OF INVESTIGATION

In September 2014, Secretary Jewell received a letter of complaint and request for investigation from 13 former and current NPS employees who had worked in the GRCA River District. The complainants alleged "discrimination, retaliation, and a sexually hostile work environment"

against other River District employees. DOI Chief of Staff Tommy Beaudreau asked us to investigate the allegations described in the letter.¹

We focused our investigation on the reports that four current and former River District employees—two former boatmen (referred to in this report as Boatman 1 and Boatman 2), one current boatman (Boatman 3), and a former River District supervisor who participated in numerous river trips (Supervisor 1)—had committed inappropriate acts, and on GRCA management’s responses to complaints against these employees. We also examined disciplinary actions taken against two former GRCA employees (Employee 1 and Employee 2), who had previously filed sexual harassment complaints against the four River District employees, to determine whether there was evidence of retaliation or improper actions by GRCA management.

In all, we interviewed over 80 potential victims, witnesses, and suspects. In addition to the 13 complainants in the letter to Secretary Jewell, we identified another 22 individuals who said that they had experienced and/or witnessed harassment and other forms of misconduct.

Reports of Inappropriate Acts by River District Boatmen

We interviewed 19 current and former NPS and commercial contractor employees who reported that River District employees had behaved inappropriately toward them during river trips. These individuals stated that the four current and former River District employees had touched them inappropriately, made inappropriate sexual comments, propositioned them for sex, or otherwise behaved inappropriately during river trips. For example:

- Employee 1 described an incident in which Boatman 2 took a photograph under her dress during a 2005 river trip.
- Employee 2 described being repeatedly propositioned for sex by Boatman 1 during river trips.
- A former seasonal employee (Employee 3) reported that Boatman 1 repeatedly propositioned her for sex, that Boatman 3 was rude, and that Supervisor 1 had yelled at her. She said that she resigned from GRCA in 2012, after 9 years as an NPS employee, because of “undue levels of stress” caused by this treatment.
- Another former employee, Employee 4, said that during a 2005 river trip, Boatman 3 behaved in a threatening manner toward her—yelling at her while holding an axe—while he was intoxicated.
- Employee 5 said that Boatman 1 inappropriately touched her back and buttocks during a 2013 river trip, and that Boatman 3 yelled at and belittled her during her employment at GRCA.
- Another former employee, Employee 6, recalled Boatman 3 asking her to give him a massage during a river trip. She said that his request made her uncomfortable and that she declined.
- A former NPS volunteer (Employee 7) reported that Boatman 3 inappropriately touched her thigh during a 2010 river trip.

¹ The letter to the Secretary also alleged that the River District had a “pervasive culture of discrimination.” We did not pursue this allegation, however, because EEO has undertaken its own investigation into the matter.

Eight of the 19 employees added that the men would behave in a hostile manner if their advances toward women were rejected or if women reported sexual harassment. For example, three former employees (Employees 2, 4, and 8) said that after Boatman 3's sexual advances were rejected, he would arbitrarily take them to different project sites than the ones they needed to work at, or he would refuse to take them to project sites altogether, which meant that they could not accomplish their assigned tasks for the trip.

Employee 4 also stated that during one 2006 river trip, Boatman 3 refused to provide food for female GRCA employees after they rejected his sexual advances. She said that women on river trips were forced to "walk the line" between "not being hated and not being desired." She said that she resigned from NPS when the stress of working with the River District employees became too much.

In addition, another former employee, Employee 9, reported that Supervisor 1 treated her "horribly" during a 2006 river trip after she rejected his attempts to flirt with her. She said that he verbally harassed and belittled her, saying she should have never been hired and questioning her abilities in front of her colleagues and professional associates, which caused her to feel ashamed. She said she suspected that he also placed ammunition cans containing human waste near her tent.

Another nine current and former NPS employees reported observing or being told about incidents in which female employees were sexually harassed and subjected to a hostile work environment at the hands of Boatman 2, Boatman 3, or Supervisor 1.

Several GRCA employees said that they witnessed abusive treatment of employees by Supervisor 1. One described him as a "classic bully" who "trains [other employees] through intimidation" and said that he had once seen him make a female NPS employee cry. Another said that he had seen Supervisor 1 spit beer on a woman's head during a river trip.

Another River District employee, Employee 10, described Boatman 2 as "aggressive" about trying to get women to have sex with him. He stated that Boatman 2, Boatman 3, and Supervisor 1 all tried to "get laid as much as possible" during river trips and that there was "some sort of wager . . . or challenge between the three of them . . . to see who would get laid the most."

Employee 6 said she suspected that Boatman 3 might have taken sexual advantage of an intoxicated woman during a 2008 river trip. She said that the woman, whom she declined to identify, became intoxicated in camp one night and fell asleep. Later in the evening, Employee 6 observed Boatman 3 lying next to the woman, who was still asleep. When Employee 6 asked him what he was doing, she said, he stood up, buckled his pants, and walked away. She said that she did not report the incident to anyone or discuss it with the unidentified woman.

Employees of outside organizations working in the River District also reported inappropriate behavior by these River District employees. Contract Employee 1, an employee of a commercial river-rafting contractor that worked with GRCA employees on river trips, reported that Boatman 2 made a sexual comment to her and that Supervisor 1 groped her—touching her and grabbing her buttocks and crotch against her will—during a river trip in 2004. Contract Employee 1 said

that she did not want to file criminal charges after these incidents, but she reported them to her company's owner, who told us that she reported the incidents to NPS.

Three more employees of the rafting contractor also reported inappropriate behavior by River District boatmen. Contract Employee 2 referred to the previous allegation of sexual harassment against Supervisor 1 and said that Supervisor 1 had retaliated against the contractor for the allegation by citing the company for an unsupported violation during an NPS safety inspection in 2007 or 2008. He said the violation was later overturned when the contractor protested. Contract Employee 3 said that he was a supervisor on the river trip during which Contract Employee 1 reported that Boatman 2 had harassed her and Supervisor 1 groped her. He said that he reported the incident to his managers and made sure that his employees had minimal contact with Supervisor 1 and Boatman 2 for the rest of the trip. He also said that Boatman 3 obstructed GRCA Employees 1 and 2 from accomplishing their project duties during the February 2014 river trip. Contract Employee 4 said that Supervisor 1 had acted unprofessionally and aggressively toward his employees during river trips and safety inspections.

An employee of a different GRCA contractor (Contract Employee 5) also reported that Supervisor 1 made inappropriate comments to her during a 2014 river trip. She said that when she asked him what she could do to help with river trip duties, he responded that she could help him by being "naked in [the] motor well" of his boat. She did not report the incident to her employer or to NPS supervisors.

In addition, the director of an educational organization that worked with NPS to conduct river trips for disadvantaged young people said that her employees reported to her in 2009 and 2012 that GRCA boatmen, including Boatman 3, had acted inappropriately during river trips. When notified in 2013 that Boatman 3 would be participating in an upcoming river trip with her organization, she informed Supervisor 1 that she was concerned about having Boatman 3 on a trip with young people. She said Supervisor 1 refused to remove Boatman 3 from her organization's river trips. She feared that her organization might not be permitted to participate in future GRCA-sponsored trips because of her complaints.

While Boatman 3 was never disciplined for any of the alleged incidents described in this report, GRCA management did discipline the other three for some of them. The disciplinary actions included a 30-day suspension for Boatman 2 for taking the photograph under GRCA Employee 1's skirt, a 10-day suspension for Supervisor 1 for grabbing Contract Employee 1's crotch, and a written reprimand for Boatman 1 for propositioning GRCA Employee 2. All three men have since left NPS: Boatman 2 resigned in June 2006 and Boatman 1 in July 2013, after they served their disciplinary actions; Supervisor 1 retired in May 2015.

We interviewed Boatman 3 and Supervisor 1 about these incidents, and they denied all of the allegations against them. Boatman 3 did acknowledge having sex with women during river trips, but said that the sex was consensual and only occurred while he was off duty. He also acknowledged making sexual remarks to women, but said that he did so only when he sensed a "mutual attraction." Boatman 3 initially denied groping GRCA Employee 7, but later acknowledged he may have inadvertently touched her. Supervisor 1 denied grabbing Contract

Employee 1's crotch, stating that he had only "smack[ed] her on the ass," but he said that he was sorry the incident had occurred.

To ensure that we had a complete picture of the work environment in the River District, we also conducted voluntary interviews of 10 GRCA employees who had been randomly selected by GRCA senior leadership. Three of these interviewees had been on river trips and spoke about their experiences.

One interviewee, who had worked at GRCA since about 1989, had participated in two trips. She said that Supervisor 1 was the "lead boatman" for both trips and that Boatman 3 may also have participated in one or both of the trips. She said that she did not observe or hear of any acts of sexual misconduct or harassment during the trips, but the female GRCA employees who participated in the trips did not act professionally. She could not recall the women's names, but she said that they were "scantily" clothed and did not help with the numerous duties around camp. She also said that they drank too much alcohol and were "bantering and flirting" with the male trip participants. She said that she had been friends with Supervisor 1 and Boatman 3 for many years, describing them as "free spirits" who loved to "joke around" and tell "off-color jokes." Another interviewee, who had worked at GRCA since 2007, had participated in one river trip; Boatman 3 was the trip leader, and, she said, acted professionally. The third interviewee, who had been with GRCA since 2000, said that she had participated in around 10 river trips and found the behavior of the other participants shocking. She cited excessive alcohol consumption, nudity, and incidents in which some trip participants yelled angrily at others.

Incidents Reported to GRCA Management, but Never Properly Investigated

Six women told us that they had reported incidents of sexual harassment and hostile work environment to GRCA supervisors and managers, but management did not properly investigate or report their allegations to HR and EEO:

- Employee 3 said that she reported Boatman 1 propositioning her for sex and the hostile work environment created by Boatman 3. She said she told Supervisor 1 and another GRCA supervisor about the incidents, but they failed to properly investigate them or report them to HR, EEO, or senior GRCA leadership.
- Employee 4 said that she reported the incident in which Boatman 3 behaved in a threatening manner toward her to her supervisor at the time, GRCA Supervisor 2 (who also supervised Employees 1 and 2). Supervisor 2 acknowledged that the incident had been reported, but said that no investigation was conducted or disciplinary action taken.
- Employee 5 said that she told Supervisor 1 about being yelled at and belittled by Boatman 3, but he did not take action.
- A former employee, Employee 11, said that she reported to Supervisors 2 and 3 that another former employee (Employee 12) told her that Boatman 3 had sexually harassed her. Supervisor 3 acknowledged that the alleged harassment of Employee 12 was reported to her, but she said that she did not report it to senior GRCA leadership, HR, or EEO because she felt too much time had passed since it occurred.
- Employee 8 said that Boatman 3 made sexual comments to her during a 2006 river trip, and when she resisted his advances he reacted by being rude and keeping her from

completing her required work. She said that she reported the incidents to a regional HR specialist, but did not pursue the issue because he appeared to question and dismiss her complaint. The HR specialist told us that he did not recall her reporting the incident to him.

- Employee 9 said that she reported to a former River District supervisor, Supervisor 4, that Supervisor 1 had touched her and made sexual comments to her, but Supervisor 4 yelled at her and dismissed her complaint. (She later reported the incidents to her own supervisor, and an investigation was conducted.) We interviewed Supervisor 4, who acknowledged that it was possible not all of the alleged actions committed by the three boatmen and Supervisor 1 were reported to GRCA management, but said he “dealt with” any reports he received about his employees. He also noted that Boatman 3 was a known “womanizer” who propositioned women during river trips, and he acknowledged that boatmen sexually harassed GRCA employees.

Supervisor 5, a River District supervisor who had managed Supervisor 1 and Boatman 3, said that he was aware of complaints that Supervisor 1 was difficult to work with and that Boatman 3 “hit on” women during river trips. He felt, however, that he had complied with DOI and NPS policies and initiated investigations when he was made aware of specific complaints of employee misconduct. He also said that he became wary of trusting his employees after having three sexual harassment investigations conducted into their behavior.

Sue Masica, the NPS Intermountain Region director since January 2014, said that she knew of the history of alleged incidents of sexual misconduct at GRCA before becoming the regional director. Masica said that GRCA appeared to have more sexual harassment complaints than other NPS parks, and that alcohol consumption during river trips may have contributed to those incidents. She felt that the need for confidentiality during disciplinary actions may have led to dissatisfaction among GRCA employees, who may have incorrectly believed that GRCA managers were not responding to the employees’ complaints.

An HR officer who had been with the Region since 1996 said that she was aware of incidents of sexual misconduct in the River District since 2004 and spoke of a “laissez faire” attitude of “what happens on the river, stays on the river.” She confirmed that GRCA management failed to notify HR of many of the incidents of sexual harassment. She said that after the 2013 EEO investigation was conducted, new policies and procedures were implemented, but no disciplinary action was taken regarding the alleged incidents of hostile work environment and failure of supervisors to properly respond to reports of sexual harassment detailed in the EEO report.

Another HR officer, who had been with the Region since 2012, said that she was not aware of incidents of sexual misconduct at GRCA until June 2013, when the Region initiated the EEO investigation, which she said revealed several issues that required “corrective action.”

When we spoke to Superintendent Uberuaga about the EEO report, he said that the report described many of the same sexual harassment allegations documented in the 2014 letter to Secretary Jewell. He said that the EEO report contained examples of midlevel GRCA managers, including Supervisor 1, who did not inform HR, EEO, and their supervisors of alleged sexual harassment. He stated that he “closely guarded” the EEO report due to concern about these

employees' privacy. He confirmed that he did not provide the report to HR or GRCA managers, and did not request HR personnel's opinions about potential disciplinary action against the employees named in the report. No one was disciplined for failing to properly respond to the allegations, he said, because the EEO report indicated that these failures were "not actionable."

We also asked the randomly selected GRCA interviewees about sexual harassment, hostile work environments, and their satisfaction with their supervisors and senior leadership with respect to reporting such incidents. While none of the interviewees said that they had been the victims of sexual harassment, six felt that they had either experienced or witnessed a hostile work environment. Four commented that they did not feel that disciplinary actions taken by GRCA in response to past misconduct were fair, and most had little faith that GRCA management would address misconduct thoroughly and fairly. One said that Uberuaga and Chalfant were "insulated" by their staff and might not be aware of incidents of sexual harassment occurring during river trips. She said that "lower-level employees" were afraid to speak out about harassment in front of their supervisors and senior division chiefs. Another stated that GRCA midlevel managers and directors were afraid to report sexual harassment or hostile work environments to senior GRCA managers because they felt it would reflect poorly on them as leaders and thus be detrimental to their careers.

River Trip That Led to Disciplinary Action Against Employees 1 and 2

In addition to the complaints that GRCA management did not report alleged incidents of harassment and hostile work environment, we investigated claims that GRCA managers mismanaged alleged victims' complaints about misconduct and retaliated against the alleged victims. Specifically, we investigated an incident that allegedly occurred on a February 2014 river trip and resulted in Employees 1 and 2 being disciplined for misconduct. We sought to determine whether GRCA managers disciplined the two former employees unfairly or in retaliation for previous harassment complaints that the two had filed against Boatmen 1 and 2.

Summary of the Trip

On February 1, 2014, approximately 16 employees of NPS and a rafting contractor embarked on a 3-week trip to complete a number of projects for the Colorado River Management Plan. Boatman 3 served as the trip leader, and a former GRCA employee, Employee 12, was the project leader. Employees 1 and 2 also participated, with Employee 1 supervising Employee 2.

Before the trip began, the NPS employees (but not the contractor's employees) participated in a newly required pre-trip briefing, presented by Supervisor 5, during which general standards of appropriate behavior during trips were discussed. (GRCA management implemented the requirement for a briefing after the 2013 EEO investigation was completed.)

On the last night of the trip, the participants held a "dance party" to celebrate the end of a successful trip. During the party, Contract Employee 6 produced a novelty drinking straw that she had brought on the trip with her. The straw, which was shaped like a penis and testicles, was placed in the drinks of some of the trip participants over the course of the evening. Later, some

of the trip participants briefly engaged in a provocative form of popular dancing known as “twerking.”

Sexual Misconduct Complaint Against GRCA Employees 1 and 2

After the river trip, Boatman 3, Employee 12, and another GRCA employee (Employee 13) filed a complaint with GRCA management against Employees 1 and 2. The complaint alleged that the two had acted inappropriately on the last night of the trip by passing around the penis straw and twerking. Employee 1 denied participating in either incident. Employee 2 acknowledged twerking and handing a cup containing the straw to Boatman 3.

Both Employee 1 and Employee 2 felt that Boatman 3 and Employee 12 exaggerated their claims that they had been offended. The two women said that Boatman 3’s and Employee 12’s allegations were meant as retribution because Employees 1 and 2 had in the past filed sexual harassment complaints against Boatmen 1 and 2 (who were friends with Boatman 3 and Employee 12), and had also complained about Boatman 3 creating a hostile work environment.

GRCA Investigation Into the Actions of Employees 1 and 2

Before initiating any discipline against Employees 1 and 2, GRCA management conducted an internal investigation into the two women’s actions on the last night of the river trip. A River District supervisor, Supervisor 6, was responsible for the investigation. When asked about the quality of the investigation, several employees of NPS and the rafting contractor, as well as GRCA management, said that they believed the investigation was not as thorough or unbiased as it should have been.

Superintendent Uberuaga and Deputy Superintendent Chalfant acknowledged that, in retrospect, the investigation may not have been thorough enough and that this may have had an impact on the disciplinary actions taken against Employees 1 and 2. GRCA Supervisor 7, who oversaw the entire GRCA program that Employees 1 and 2 were part of, acknowledged that a more careful examination of the complaint against them, and a more thorough investigation, should have been conducted. The two employees’ first- and second-line supervisors, Supervisors 2 and 3, also questioned the thoroughness of the investigation. In addition, the regional HR specialist who advised GRCA management on potential disciplinary actions felt that the internal investigation was insufficient and incomplete.

We found that Supervisor 6 did not interview all of the witnesses to the alleged misconduct of Employees 1 and 2, and some of the interviews that he conducted did not go into detail. We interviewed two current GRCA employees who said that they participated in the river trip but were not interviewed during the internal investigation. Three employees of the rafting contractor who participated in the trip—including Contract Employee 6, who had brought the penis straw—were also not interviewed.

Supervisor 6 did interview two other employees of the contractor, Contract Employees 2 and 3, but both had concerns about the quality of the investigation. During his interview with Supervisor 6, Contract Employee 3 felt that he was biased and appeared to have already

concluded that the allegations against Employees 1 and 2 were true. Contract Employee 2 said that he did not feel he could be candid with Supervisor 6 during their interview because he feared that doing so might place future contracts between his company and NPS in jeopardy.

We interviewed Supervisor 6, who said that he was responsible for interviewing his employees to determine if the allegations had merit, but he did not feel he was responsible for determining whether the three GRCA employees had exaggerated their complaints, or if their allegations were meant in retaliation for the previous complaints of sexual harassment by Employees 1 and 2.

Disciplinary and Administrative Actions Taken Against Employees 1 and 2

After the internal investigation was completed, Employee 1 received disciplinary action in the form of a 14-day suspension. An equivalent suspension was proposed for Employee 2, but her term employment expired before she could serve it. Ultimately, GRCA management decided not to renew either employee's term employment. Supervisor 7, who served as the proposing official for the disciplinary actions, and Chalfant, who was the deciding official, said that their primary reason for disciplining Employee 1 was because she was Employee 2's supervisor. They acknowledged, however, that she had not received any supervisory training and that her position was not technically classified as supervisory.

We found insufficient evidence to prove or disprove the allegation of retaliation. The disciplinary actions were adequately supported by the GRCA officials, and the decision not to renew the two employees' term employment appears to be in accordance with regulations. Chalfant, Supervisor 6, and Supervisor 7 all felt that some action needed to be taken against Employees 1 and 2 because of the River District's history and because they wished to change the "culture on the river."

Nevertheless, several of the employees and managers we interviewed said that, in hindsight, the disciplinary action taken against Employees 1 and 2 was unfair and was out of proportion to discipline administered in other cases of employee misconduct. Supervisors 2 and 3 felt that the discipline was unfair and too severe. Uberuaga acknowledged that in retrospect the discipline Employees 1 and 2 received may have been too harsh and was not consistent with the discipline received by employees such as Boatmen 1 and 2, whose alleged misconduct was more severe. Supervisor 7 said that she felt Employee 1's disciplinary action was too severe, and that it was inconsistent and unequal compared to actions taken against other employees for misconduct. Chalfant also said that the disciplinary actions may have been too severe. Despite their feelings that Employees 1 and 2 deserved discipline, Supervisor 7 "perceived pressure" by Uberuaga and Chalfant to take action against them, and Chalfant felt internal pressure to take action.

A supervisory HR specialist, who had been with GRCA since 2010, also noted during her interview that disciplinary actions for misconduct were not equitable at GRCA. She indicated that employees with more years in service were not disciplined as severely as newer employees were. She referred to GRCA as a "good ol' boy network," stated that female employees who reported being victims of misconduct had a harder time proving their complaints than male employees, and said that midlevel managers were inclined to handle complaints themselves

rather than notify senior managers. She said that she felt the punishment Employees 1 and 2 received was too severe, and she did not agree that twerking fit into the category of sexual misconduct. She also felt that Supervisor 7 proposed harsher disciplinary actions for female employees than for male employees.

Our review of GRCA disciplinary actions since 2003 confirmed that disciplinary responses to alleged incidents of sexual misconduct have been inconsistent (Figure 1).

Date	Employee/Disciplinary Action
01/06/2003	Unnamed GRCA employee, resignation in lieu of removal for “misconduct of a sexual nature.”
06/02/2005	Boatman 2, 5-day suspension for sexual remarks to Contract Employee 1.
07/12/2005	Supervisor 1, 10-day suspension for grabbing Contract Employee 1’s crotch.
05/03/2006	Boatman 2, 30-day suspension for taking a photograph under Employee 1’s dress (resigned after disciplinary action).
06/10/2006	Unnamed GRCA employee, removal for “misconduct of a sexual nature.”
11/19/2010	Unnamed GRCA employee, 14-day suspension (mitigated from removal after solicitor’s investigation) for “discourteous conduct” and “misconduct of a sexual nature.”
02/22/2011	Unnamed GRCA employee, terminated during trial period for “misconduct of a sexual nature” and “failure to follow instructions.”
08/02/2012	Unnamed GRCA employee, written reprimand for “unwelcome sexual remarks.”
09/20/2012	Boatman 1, written reprimand for unwelcome sexual remarks to Employee 2.
06/08/2013	Boatman 1, 14-day suspension for groping and propositioning an unnamed GRCA employee (resigned after disciplinary action).
03/13/2014	Employee 2, proposed 14-day suspension for penis straw and twerking incidents (term position expired before disciplinary action taken).
05/12/2014	Employee 1, 14-day suspension for penis straw and twerking incidents (term position not renewed).

Figure 1. Disciplinary actions taken against GRCA employees for sexual misconduct since 2003.

Supervisor 7 and the regional HR specialist both stated that as part of their preparation for the disciplinary actions of Employees 1 and 2, they should have been allowed to review the 2013 EEO report, which contained information about the employees’ history with Boatman 3 and the other River District boatmen. Supervisor 7 stated that if she had been allowed access to the EEO report and had a better understanding of its details, that information might have influenced the disciplinary action she proposed. The HR specialist also disagreed with the administrative

actions and felt that he should have done more research into the disciplinary actions to determine if the complaints were related to the employees' previous reports of sexual harassment. He felt that he could have done a better job of advising Chalfant and Supervisor 7 if he had been allowed to read the EEO report.

Recent Management Efforts To Address the Culture on the River

During our investigation, we looked for indications that GRCA management has tried to change the culture in the River District to make river trips safer and less hostile for all employees.

A river trip SOP, signed in May 2014, established the following:

- The SOP mandated the pre-trip briefing for all NPS employees, but not commercial river-trip participants. (The draft of this SOP was used to develop the briefing for the February 2014 river trip.)
- The SOP defined the trip leader and project leader positions, and gave the trip leader the authority to remove any participant from the trip who was not adhering to policies or standards of conduct.
- Use of alcohol by trip participants was restricted to off-duty hours.

The river trip SOP was amended between February 18 and March 11, 2015. Now all trip participants, including commercial participants, are included in the pre-trip briefing, and the authority to remove trip participants has been taken away from the trip leader and given to the project leader. In addition, river trip participants have been prohibited from using alcohol, either on or off duty, during trips.

SUBJECTS

1. David Uberuaga, GRCA Superintendent, NPS.
2. Diane Chalfant, GRCA Deputy Superintendent, NPS.
3. Supervisor 1, GRCA, NPS.
4. Supervisor 6, GRCA, NPS.
5. Supervisor 7, GRCA, NPS.
6. Boatman 3, GRCA, NPS.

DISPOSITION

On January 27, 2015, the U.S. Attorney's Office, District of Arizona, declined to prosecute any of the individuals identified in this report. We provided the report to the Secretary of the Interior for action.

During our investigation, we discovered two potential concerns with NPS' hiring practices and GRCA managers sharing nonpublic information with other GRCA employees. We issued two advisory memoranda to NPS Director Jon Jarvis asking him to review and address these concerns.