



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

[www.osc.gov](http://www.osc.gov)

**The Special Counsel**

January 3, 2018

The President  
The White House  
Washington, D.C. 20510

Subject: OSC File No. DI-16-0254

Dear Mr. President:

In accordance with law, the U.S. Office of Special Counsel (OSC) is submitting to you a report of an investigation by the Peace Corps, along with comments regarding the report from Kellie Greene, the whistleblower and director of the Peace Corps Office of Victim Advocacy (OVA)<sup>1</sup> from 2012 to 2015.<sup>2</sup> Specifically, Ms. Greene alleged that the Peace Corps failed to: (1) take appropriate action against volunteers who engage in sexual misconduct; (2) train host families and co-workers to prevent sexual assault; (3) take action to protect volunteers while traveling; (4) provide adequate counseling services to volunteers who are sexually assaulted; and (5) provide necessary updates regarding sexual assault cases to OVA. The Peace Corps delegated the investigation and report to its Office of Inspector General (OIG).<sup>3</sup> The Peace Corps adopted OIG's report as its own.

**I. Summary of Report Findings and Whistleblower Comments**

OVA is charged with developing and updating the Peace Corps sexual assault policies and training, as well as ensuring that volunteers who are victims of sexual assault receive counseling services. From 2012 to 2015, Ms. Greene served as the first director of OVA. The Peace Corps reported that there were limited cases in which the agency did not meet its commitment to provide a "compassionate and supportive response to all volunteers who have been sexually assaulted." The report did not find the issues with its treatment of volunteers who had been sexually assaulted were systemic or in violation of law. The Peace Corps also did not find that its actions, or lack thereof, created a substantial and specific danger to public health or safety. Notwithstanding those findings, the Peace Corps agreed to take action to clarify and update its policies based on the investigative findings. The specific findings and recommendations are discussed below.

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<sup>1</sup> OVA is charged with developing and updating the Peace Corps policies and trainings on sexual assault, as well as providing counseling services for victims.

<sup>2</sup> See 5 U.S.C. § 1213(c) and (e).

<sup>3</sup> OIG also incorporated the relevant findings from its report, "Peace Corps' Sexual Assault Risk Reduction and Response Program (IG-17-01E)," Nov. 2016.

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Ms. Greene reviewed the report and provided comments. Ms. Greene criticized the Peace Corps for the retroactive investigative approach taken by its OIG, which relied on a review of old reports, rather than specifically investigating her disclosures. Ms. Greene stated that despite progress in developing policies and procedures for responding to volunteer safety concerns, including sexual assault, the Peace Corps is more concerned with maintaining its mission, even at the expense of volunteer safety. She stated the Peace Corps must continue to make course corrections to ensure it is keeping up with best practices and minimizing the risk of sexual assault.

*a. Volunteers who Engage in Sexual Misconduct*

OSC referred Ms. Greene's allegation that the Peace Corps failed to take appropriate action against volunteers who engage in sexual misconduct, to the agency for investigation. The report found that volunteers accused of sexual misconduct often resign before the agency is able to substantiate the allegations and propose discipline or administrative separation. The report also found that no evidence of the allegations is included in the volunteer's file. In cases where a volunteer resigns in lieu of administrative separation, the report found that a memorandum describing the grounds for the proposed administrative separation is included in the volunteer's record. These practices create gaps in applicant records related to allegations of sexual misconduct, and may have factored into a case where the Peace Corps rehired a volunteer accused of sexual misconduct during prior service. However, despite the report's findings, the OIG did not recommend additional changes to the Peace Corps applicant screen policies beyond those recommended in a 2014 OIG audit report.<sup>4</sup>

Ms. Greene disagreed with the recommendation that additional applicant screening policies are unnecessary. She stated that the report showed that the Peace Corps failed to follow its own applicant screening policies and demonstrated significant gaps resulting in inadequate protection of volunteers. Ms. Greene stated volunteers found to have engaged in drug use, in violation of agency policy, are treated more harshly than volunteers accused of sexual misconduct. She also expressed concern that under the Peace Corps' current policies, there is no documentation of a volunteer's resignation while under investigation for sexual misconduct or sexual assault.

OSC has determined the report's recommendation that no additional applicant screening policies are necessary is unreasonable in light of the report's findings.

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<sup>4</sup> A 2014 audit report on the Peace Corps applicant screening process recommended a series of improvements for the screening process. The Peace Corps concurred with all of the OIG's recommendations. See Peace Corps Office of Inspector General, IG-14-04-A, Final Report on Audit of Peace Corps Applicant Screening Process (June 10, 2014).



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***b. Training Provided to Host Families and Co-Workers to Prevent Sexual Assault***

The report found that the Peace Corps does not provide training to host families and co-workers on establishing appropriate relationship boundaries to prevent sexual assault on volunteers. The report stated current law does not require such training. The report also asserted the review of country program evaluations identified no need for training.

Ms. Greene disagreed with the report's finding that host family and co-worker training was unnecessary. She asserted such training was necessary, as evident by a Peace Corps study finding 16 percent of all reported sexual assaults were allegedly perpetrated by host family members or co-workers. Ms. Greene stated there are several reasonable actions the Peace Corps could take to reduce volunteers' risk of sexual assault by host family members and co-workers. These actions include: (1) developing and requiring standardized training of host families and co-workers that addresses appropriate relationship boundaries, including sexual assault; (2) implementing a policy to ensure that Peace Corps staff are involved in housing or co-worker changes; and (3) ensuring the site history file documents all incidents involving host family members and co-workers.

OSC agrees with Ms. Greene that this finding in the report is unreasonable, and believes that additional training for host families and co-workers would provide additional benefits.

***c. Safety Risks for Volunteers While Traveling***

The report found that in countries where the risks of traveling on public transportation have been found to be unacceptably high, the Peace Corps has taken aggressive steps to address the risks, including providing a secure mode of transportation for volunteers. The Peace Corps also provides policy and procedural guidance to sites on incorporating key considerations into country-specific transportation policies.

Ms. Greene stated that Peace Corps did not take action quickly enough or did not take sufficient action to address the risks to volunteers on public transportation. She also stated that the Peace Corps has not devoted suitable resources to safe site development to prevent some of the issues that have been caused by inadequate or unsafe transportation.

***d. Counseling Services Provided to Volunteers Who are Sexually Assaulted***

The report found that the Peace Corps offered counseling services in all of the reviewed 138 cases. In those cases, the report found that 14 percent of volunteers waited more than four weeks to receive counseling services. The report also found that a misunderstanding about Peace Corps policy led employees to tell volunteers that counseling services provided by the Peace Corps were limited. The report recommended

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that the Peace Corps take action to clarify its policies regarding counseling services, and establish timeliness standards for volunteer access to counseling services. The Peace Corps agreed to follow those recommendations.

Ms. Greene asserted that she was pleased that the report made these recommendations and that the Peace Corps concurred with them. However, she stated that it is unfortunate that a great number of volunteers needlessly suffered over the years as a result of the Peace Corps' failure to act on the concerns that Ms. Greene had raised. She also stated that the process for referring consults for counseling services is needlessly inefficient and unduly frustrating for sexual assault survivors, and the agency needs to ensure that its guidance is clear on the amount of counseling services available to volunteers.

***e. Updates Related to Sexual Assault Cases to OVA***

The report found that the implementation of a centralized case management system directly addresses Ms. Greene's allegations that Peace Corps staff failed to provide necessary updates to OVA about volunteers leaving service or obtaining counseling services, or about criminal proceedings related to crimes against volunteers so that OVA could communicate relevant information to volunteers. Ms. Greene stated that she is glad to know that the centralized case management system now exists, and hopes that it makes the flow of information to OVA more efficient.

**II. Special Counsel's Determination**

I have determined that while the report contains the information required by statute, some of the findings are not reasonable. The report confirmed that volunteers who have reportedly engaged in sexual misconduct, including sexual assault, have been allowed to resign or interrupt service without any documentation in their volunteer records. This has resulted in at least one case in which the Peace Corps rehired a volunteer who had been previously accused of sexual assault. This case is but one example that refutes the report's determination that the Peace Corps does not need to update its applicant screening policies. While the Peace Corps cannot prevent volunteers from ending their service while under investigation, the Peace Corps should note in the volunteer records that an individual resigned while under investigation for sexual misconduct.

The report stated that it has not identified a need for additional training for host families and co-workers, nor is it required by current law. However, the report reflects that out of the 781 reports of volunteer sexual assault between 2011 and 2014, 16 percent were allegedly committed by a host family member or co-worker. In addition, Ms. Greene, as head of OVA, identified the need for additional training and made that allegation to OSC. Given these facts, OSC finds it unreasonable to conclude that training

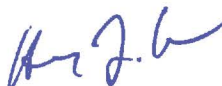
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would provide no additional value in the prevention of sexual assault, even if it is not required by law.

I encourage the Peace Corps to establish clear, consistent, and effective policies to ensure the prevention of sexual assault and other crimes against volunteers, timely responses to safety risks, and the provision of adequate counseling services to volunteers who are sexually assaulted during their service.

As required by law, I am submitting the report and Ms. Greene's comments to you, the House Foreign Affairs Committee, and the Senate Committee on Foreign Relations. I am also making these documents available to the public.<sup>5</sup> Our file is now closed.

Respectfully,

A handwritten signature in blue ink, appearing to read "H. J. Kerner", is written above the printed name.

Henry J. Kerner

Enclosures

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<sup>5</sup> See 5 U.S.C. § 1219(a)(1); <https://osc.gov>.