



Office of Inspector General  
United States Department of State

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ESP-19-05

Office of Evaluations and Special Projects

August 2019

# **Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs**



# HIGHLIGHTS

Office of Inspector General  
United States Department of State

ESP-19-05

## What OIG Reviewed

In response to a referral from the Department of State and congressional inquiries, the Office of Inspector General (OIG) reviewed allegations of politicized and other improper personnel practices by political appointees in the Bureau of International Organization Affairs. The Bureau, which reports to the Under Secretary for Political Affairs, is the U.S. Government's primary interlocutor with the United Nations and a host of international agencies and organizations.

## What OIG Recommends

OIG made two recommendations to the Under Secretary for Political Affairs: to develop a corrective action plan to address the leadership and management deficiencies within the Bureau of International Organization Affairs and to consider other appropriate action, including disciplinary action. The Department concurred with both recommendations.

August 2019

## OFFICE OF EVALUATIONS AND SPECIAL PROJECTS

### Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs

## What OIG Found

OIG found evidence of leadership and management deficiencies and mistreatment of career employees in the Bureau of International Organization Affairs (IO). These inappropriate practices included disrespectful and hostile treatment of employees, accusations against and harassment of career employees premised on claims that they were "disloyal" based on their perceived political views, and retaliation associated with conflicts of interest. OIG also found that numerous employees raised concerns about the IO leadership to Department management officials outside of IO and that Department officials counseled IO leadership; however, the Assistant Secretary for IO, Kevin Moley, did not take significant action to respond to such concerns.

During the course of this review, OIG received allegations that two personnel actions were undertaken by IO leadership for improper motives: the removal of the IO Principal Deputy Assistant Secretary (PDAS), a career senior foreign service officer, and the cancellation of the selection process for a career position in the IO Office of Human Rights and Humanitarian Affairs. OIG found evidence that both actions by IO leadership were likely based on non-merit factors and thus violated Department policy.

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## OBJECTIVES

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On June 13, 2018, *Foreign Policy* published an article alleging that a political appointee in the Bureau of International Organization Affairs (IO), Mari Stull, was vetting the political affiliation and views of career employees.<sup>1</sup> According to the article, the management of IO had caused several career employees to leave the bureau.

On June 19, 2018, the ranking members of the House Foreign Affairs Committee, the House Oversight and Government Reform Committee, and the Senate Foreign Relations Committee sent a letter to Secretary of State Mike Pompeo raising concerns about the allegations in the article.<sup>2</sup> The Department of State (Department) then referred this letter to the Office of Inspector General (OIG), which was already examining similar issues involving the Office of the Secretary.<sup>3</sup>

## SCOPE AND METHODOLOGY

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OIG began this review in July 2018 by examining whether IO officials had acted improperly toward career officials on the basis of their perceived political or ideological views. Several IO employees interviewed by OIG raised more general concerns regarding the treatment of employees by IO leadership, so OIG expanded its review to examine more broadly the management of IO and compliance with the Department's leadership principles.

For this review, OIG reviewed thousands of emails sent and received by IO leadership and staff, and other relevant Department documents. OIG also conducted more than 40 interviews of current and former IO employees, including administrative and professional staff, Foreign Service and civil service employees, and management and staff level employees. Some of these employees approached OIG, while others were identified by OIG because they were likely to have relevant information regarding the topics covered in this report.<sup>4</sup> OIG also interviewed Assistant Secretary of State for International Organization Affairs Kevin Moley, as well as other current and former senior Department officials knowledgeable about the working environment in IO, including Deputy Secretary John Sullivan, then-Acting Director General for the Foreign Service William Todd, and then-Under Secretary for Political Affairs Thomas Shannon and his successor, Stephen Mull.

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<sup>1</sup> Colum Lynch and Robbie Gramer, "Trump Appointee Compiles Loyalty List of U.S. Employees at U.N., State," *Foreign Policy*, June 13, 2018.

<sup>2</sup> The House Oversight and Government Reform Committee is now named the Oversight and Reform Committee, and its ranking member, as well as the ranking member of the House Foreign Affairs Committee, are now chairmen.

<sup>3</sup> OIG plans to separately report on the allegations involving the Office of the Secretary.

<sup>4</sup> To preserve the confidentiality of witnesses who provided information to OIG, this report does not use the names of individuals with whom we spoke, except for senior officials and subjects of this review who are at the GS-15 or FS-1 level and above.

OIG also requested an interview with Mari Stull, former Senior Advisor to Assistant Secretary Moley, in February 2019, after she left federal service. The purpose of the requested interview was to discuss, and solicit her response to, the allegations addressed in this report. Ms. Stull declined OIG's request.<sup>5</sup> As a former federal employee, Ms. Stull is not required to cooperate with OIG.

## BACKGROUND

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### **The Bureau of International Organization Affairs**

The IO Bureau, which reports to the Under Secretary for Political Affairs, is the U.S. Government's primary interlocutor with the United Nations (UN) and a host of international agencies and organizations. As such, it is charged with advancing "the President's vision of robust multilateral engagement as a crucial tool in advancing national interests."<sup>6</sup> U.S. multilateral engagement spans the full range of issues, such as peace and security, nuclear nonproliferation, human rights, economic development, climate change, and global health. IO is headed by an Assistant Secretary who is nominated by the President and confirmed by the Senate.

In 2018, IO had 239 civil service positions and 71 domestic Foreign Service positions. Assistant Secretary Moley began his tenure in IO in April 2018. The IO Bureau also has four Deputy Assistant Secretary positions, one of which is the Principal Deputy Assistant Secretary (PDAS). In April 2018, all Deputy Assistant Secretary positions were held by career employees. During Assistant Secretary Moley's tenure, three individuals have served as PDAS: the first, whose reassignment is described on page 14 below, served until June 2018; the second served from August to October 2018; and the third has served since November 2018.

IO also has a non-supervisory Senior Advisor position that assists the Assistant Secretary in managing the bureau. From April 2018 to January 2019, the Senior Advisor position was held by a Schedule C political appointee, Mari Stull.

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<sup>5</sup> In August 2018, Ms. Stull separately sent OIG a letter that raised concerns regarding fraud, waste, and abuse, as well as allegations that she had herself experienced retaliation as a result of her efforts to address these concerns. In October 2018, OIG's Hotline staff met with Ms. Stull in connection with certain allegations in the letter that appeared to fall within OIG's investigatory purview. These issues do not affect OIG's conclusions in this report, because the specific issues of fraud, waste, and abuse recounted in the letter appear to be largely distinct from the concerns addressed in this report. Moreover, in the course of this review, OIG did not identify independent support for Ms. Stull's allegations of retaliation, and she declined to meet with OIG regarding the issues discussed in this report. OIG's findings in this report are the result of independent factual analysis, including interviews with multiple witnesses and review of numerous documents. Finally, as noted above, because Ms. Stull declined to speak with OIG on the claims that are specifically described and assessed in this report, OIG has not attempted to discern which, if any, particular assertions in the correspondence might relate to the issues in this review.

<sup>6</sup> <https://www.state.gov/bureaus-offices/under-secretary-for-political-affairs/bureau-of-international-organization-affairs/>

## **Relevant Laws and Policies**

The Department of State has both career employees and political appointees. Career employees include civil service employees and Foreign Service employees. Political appointee positions include presidential appointees requiring Senate approval (such as Assistant Secretaries and Ambassadors), non-career members of the Senior Executive Service (SES), and Schedule C positions. Schedule C positions are “positions which are policy-determining or which involve a close and confidential working relationship with the head of an agency or other key appointed officials.”<sup>7</sup>

Unlike political appointees, career employees must be hired, assigned, and assessed based on their merit, not political or other non-merit factors. These principles are memorialized in both federal law, such as the Civil Service Reform Act of 1978, and in Department policies. The Department’s policies are in the Foreign Affairs Manual (FAM).

Such policies include the Department’s EEO policy, which states, “The Department of State provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation.”<sup>8</sup>

Similar principles are embodied in the Department’s appointments policy, which states that “the Department’s policy is to recruit and select the best qualified employees available, without regard to age, race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, marital status, sexual orientation, disability, genetic information, membership in an employee organization, parental status, military service, or other non-merit factor.”<sup>9</sup> Likewise, the Department’s policies for both civil service and Foreign Service employees state that “appointment, assignment, and promotion for all categories of personnel must be on the basis of merit.”<sup>10</sup>

The term “merit” in these Department policies refers to the merit system principles, which were enacted into law in the Civil Service Reform Act of 1978 to guide federal agencies in the management of the federal workforce.<sup>11</sup>

Other relevant Department policies prohibit retaliation against employees who bring forward concerns that they reasonably believe to be evidence of a violation of any law, rule, or regulation; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health and safety.<sup>12</sup>

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<sup>7</sup> 5 C.F.R. § 213.3301(a).

<sup>8</sup> 3 FAM 1511.1 (July 15, 2005).

<sup>9</sup> 3 FAM 2211 (October 4, 2013).

<sup>10</sup> 3 FAM 1212.1 (September 21, 2018); 3 FAM 1212.2 (November 16, 2011).

<sup>11</sup> 5 U.S.C. § 2301.

<sup>12</sup> 3 FAM 4329 (September 24, 2018).

The Department's Leadership and Management Principles guide the management of its workforce.<sup>13</sup> These principles state that the Department relies on all employees to represent the U.S. Government in the course of carrying out its mission. However, managers and supervisors within the Department have a special responsibility to ensure the mission is carried out by leading by example to foster the highest attainable degree of employee morale and productivity. Leaders must:

- Model Integrity – Hold yourself and others to the highest standards of conduct, performance, and ethics, especially when faced with difficult situations. Act in the interest of and protect the welfare of your team and organization. Generously share credit for the accomplishments of the organization. Take responsibility for yourself, your resources, your decisions, and your action;
- Plan Strategically – Develop and promote attainable, shared short and long term goals with stakeholders for your project, program, team, or organization. Provide a clear focus, establish expectations, give direction, and monitor results. Seek consensus and unified effort by anticipating, preventing, and discouraging counter-productive confrontation;
- Be Decisive and Take Responsibility – Provide clear and concise guidance, training, and support, and make effective use of resources. Grant employees ownership over their work. Take responsibility when mistakes are made and treat them as an opportunity to learn. Formally and informally recognize high quality performance;
- Communicate – Express yourself clearly and effectively. Be approachable and listen actively. Offer and solicit constructive feedback from others. Be cognizant of the morale and attitude of your team. Anticipate varying points of view by soliciting input;
- Learn and Innovate Constantly – Strive for personal and professional improvement. Display humility by acknowledging shortcomings and working continuously to improve your own skills and substantive knowledge. Foster an environment where fresh perspectives are encouraged and new ideas thrive. Promote a culture of creativity and exploration;
- Be Self-Aware – Be open, sensitive to others, and value diversity. Be tuned in to the overall attitude and morale of the team and be proactive about understanding and soliciting varying points of view;
- Collaborate – Establish constructive working relationships with all mission elements to further goals. Share best practices, quality procedures, and

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<sup>13</sup> 3 FAM 1214 (September 21, 2018).

innovative ideas to eliminate redundancies and reduce costs. Create a sense of pride and mutual support through openness;

- Value and Develop People – Empower others by encouraging personal and professional development through mentoring, coaching and other opportunities. Commit to developing the next generation. Cultivate talent to maximize strengths and mitigate mission-critical weaknesses;
- Manage Conflict – Encourage an atmosphere of open dialogue and trust. Embrace healthy competition and ideas. Anticipate, prevent, and discourage counter-productive confrontation. Follow courageously by dissenting respectfully when appropriate; and
- Foster Resilience – Embrace new challenges and learn from them. Persist in the face of adversity. Take calculated risks, manage pressure, be flexible and acknowledge failures. Show empathy, strength, and encouragement to others in difficult times.

Department policy prohibits threatening behavior, which it defines as “implied threats, written or verbal threats, verbal/mental abuse, harassment, intimidation, [and] bullying.”<sup>14</sup> The FAM gives examples of such behavior as “screaming, yelling in a threatening manner, e.g., ‘You’ll pay for this’ or ‘You’ll be sorry,’ intentionally crowding to intimidate, [and] blocking access to or exit from” an office or space.

Additionally, the Department has enacted standards of ethical conduct that apply to every federal employee.<sup>15</sup> These standards note that “public service is a public trust; employees must place loyalty to the Constitution, the laws, and ethical principles above private gain.”<sup>16</sup> They also state that “an employee shall not use or permit the use of his or her Department position, title, or authority in a manner that is intended to coerce or induce another person (including a subordinate) or entity to provide benefits to the employee.”<sup>17</sup>

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<sup>14</sup> 3 FAM 4154 (May 17, 2012).

<sup>15</sup> 11 FAM 611.4-4 (November 3, 2015). These reflect similar standards in the Code of Federal Regulations. 5 C.F.R. part 2635.

<sup>16</sup> The C.F.R. similarly states, “Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.” 5 C.F.R. § 2635.101(a).

<sup>17</sup> 11 FAM 616.1 (September 3, 2015). This standard is also reflected in 5 C.F.R. § 2635.702.



## LEADERSHIP DEFICIENCIES AND MISTREATMENT OF CAREER IO EMPLOYEES

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Throughout its review of the IO Bureau, OIG found that the leadership of IO failed to meet the Department's Leadership and Management Principles.<sup>18</sup> Nearly every employee interviewed by OIG raised concerns about the leadership of IO and the treatment of staff. Then-Under Secretary Shannon told OIG that IO employees had described to him a negative and "vindictive" environment in IO cultivated by Assistant Secretary Moley and Ms. Stull. As OIG will describe in this report, these concerns included disrespectful and hostile treatment of employees, accusations against and harassment of career employees premised on claims that they were "disloyal" based on their perceived political views, and retaliation predicated on conflicts of interest.

### **Disrespectful and Hostile Treatment of Employees**

Several current and former IO employees reported that Assistant Secretary Moley and Ms. Stull frequently berated employees, raised their voices, and generally engaged in unprofessional behavior toward staff. Senior Department officials outside of IO were particularly concerned about such treatment directed at more junior employees. Although some IO employees reported that they had never witnessed Assistant Secretary Moley or Ms. Stull behave unprofessionally, the majority of employees OIG interviewed either directly experienced hostile treatment or witnessed such treatment directed at others. In fact, one IO employee told OIG that working with Ms. Stull involved "six to eight hostile interactions per day." Furthermore, as described below, concerns regarding the mistreatment of employees were also expressed by senior Department officials outside of IO.

Several IO supervisors reported that Assistant Secretary Moley and Ms. Stull would directly assign their subordinates work without routing the task through the employee's chain of command to ensure that the employee had sufficient time or experience. In several cases, employees took longer than expected to complete the task or could not find the exact information requested. Interviewees reported that Assistant Secretary Moley and Ms. Stull berated the employees for failing to complete the task as expected, often in a harsh and aggressive manner. For example, in April 2018, Ms. Stull asked a mid-level employee, without going through the employee's supervisors, for information about another nation's contributions to the UN. Ms. Stull did not believe the data provided was accurate, called the work product "garbage," and threw it at another employee.

Other employees reported that they were reprimanded by Assistant Secretary Moley and Ms. Stull for following established Department policies and procedures. Many of these exchanges involved the document clearance process, through which different bureaus give their input to documents conveying information and recommendations provided to Department leadership.

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<sup>18</sup> 3 FAM 1214 (September 21, 2018).

For example, if a regional bureau planned to send an information memorandum to the Secretary that referred to a UN issue, the regional bureau would first send the draft memorandum to IO staff members for their comments as part of this process. The process usually began with lower-level staff and later could include Ms. Stull or Assistant Secretary Moley, depending on the significance of the issue.

For example, on June 11, 2018, a junior desk officer from a regional bureau sent a briefing paper to the established clearance contacts in IO, which did not include the Assistant Secretary. Ms. Stull then sent an email to the officer criticizing her for excluding the Assistant Secretary, whom she copied on the email. The employee responded to them by stating that the working level clearance contacts in each bureau are responsible for sending documents up their chain of command. Assistant Secretary Moley replied, "I wouldn't need to be on the clearance if the [document] reflected this Administration's position! It definitely does not . . . Got it!" Similarly, Ms. Stull was upset that a junior employee had routed a routine paper for clearance to the IO Deputy Assistant Secretary whose portfolio included the issues at hand because Ms. Stull wanted the paper routed to herself instead. Both Assistant Secretary Moley and Ms. Stull raised their voices and publicly berated the junior employee, causing her to cry. Assistant Secretary Moley told OIG that he never raised his voice at an employee; he also stated that he had never heard Ms. Stull raise her voice except in speaking with him. However, numerous employees who witnessed the incident raised concerns about it to OIG. According to these witnesses, Ms. Stull later apologized to the junior employee.

In addition, when she first arrived at the Department, Ms. Stull began reviewing prior document clearances and criticized employees for having cleared certain papers prior to her tenure, even if they were authorized to do so. Two employees told OIG that Ms. Stull's inappropriate conduct had become so pervasive that employees were afraid to put their name on any clearance pages.

In another example, interviewees told OIG that in April 2018, Assistant Secretary Moley blamed the administrative employees who had purchased a flag that Ms. Stull requested for her office for a delay in receiving the flag, even though they had procured it pursuant to established Department processes and the timing was outside their control. Likewise, Assistant Secretary Moley criticized employees when they told him that official travel that he planned in May 2018 did not qualify for first class accommodations under the Department's travel policies and accused them of "not fighting hard enough" to meet his demands.

As noted above, the Department's leadership principles articulate expectations that its leaders will value and develop people and be cognizant of their team's morale. The principles also direct leaders to "establish constructive working relationships" and to be "open" and "sensitive to others."<sup>19</sup> The conduct described above falls short of these expectations. Criticizing employees for following established procedures and publicly berating employees with raised voices does not comply with this policy, does not create constructive working relationships, and

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<sup>19</sup> 3 FAM 1214(6) (September 21, 2018).

is likely to undermine morale. In addition, some of this conduct likely violates the Department's policy on threatening behavior.<sup>20</sup> Although this policy is phrased broadly and does not define "threatening behavior," it lists the following as examples: "Implied threats, Written or verbal threats, Verbal/mental abuse, Harassment, Intimidation, [and] Bullying."

## **Unmerited Accusations of Disloyalty and Harassment Based on Perceived Political Views**

Numerous employees told OIG that Assistant Secretary Moley and Ms. Stull made inappropriate accusations of disloyalty and made positive or negative comments about employees based on perceived political views. For example, several career employees reported that throughout her tenure at the Department, Ms. Stull referred to them or to other career employees as "Obama holdovers," "traitors," or "disloyal." Assistant Secretary Moley, however, told OIG that the only occasion on which he heard Ms. Stull make such remarks was in reference to former political appointees whom she believed were converted to career employees.<sup>21</sup> Other career employees told OIG that Ms. Stull accused them of being part of the "Deep State" and that the Assistant Secretary accused them of "undermining the President's agenda."<sup>22</sup> In addition, shortly after her arrival in IO, Ms. Stull referred to her IO colleagues as the "swamp" on her personal Twitter account. In contrast, other employees told OIG that Ms. Stull made positive comments about some specific career employees because they reportedly made contributions to Republican candidates. Although OIG found no evidence that any formal personnel actions were taken on the basis of such contributions, the mere discussion of them raises significant concerns as to whether Ms. Stull was engaging in political activity while on duty.<sup>23</sup>

OIG notes one illustrative example. Shortly after Assistant Secretary Moley and Ms. Stull arrived at the Department in April 2018, a career employee accompanied a congressional delegation of members of the Congressional Black Caucus to the UN. According to IO officials, IO routinely accompanies such delegations, regardless of the composition of the delegation, because it allows IO to identify any pressing issues of congressional concern. The employee in question was responsible for legislative affairs and accompanying congressional delegations to international organizations was one of her assigned duties. However, when the employee returned from the trip, Ms. Stull expressed displeasure with her for accompanying the Congressional Black Caucus delegation because it consisted of only Democratic members. Ms.

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<sup>20</sup> 3 FAM 4154 (May 17, 2012).

<sup>21</sup> The employees who were subjected to such comments were longtime career employees and were not political employees.

<sup>22</sup> Assistant Secretary Moley told OIG that the only occasions on which he heard Ms. Stull use the term "Deep State" was in making jokes.

<sup>23</sup> The Office of Special Counsel told OIG that this "could constitute a Hatch Act violation." The Hatch Act prohibits federal employees from engaging in political activity while on duty or in the federal workplace. 5 U.S.C. § 7324. The Office of Special Counsel (OSC) has "exclusive authority to investigate allegations of political activity prohibited by the Hatch Act." 5 C.F.R. § 734.102(a). OSC can only pursue disciplinary action against current Federal employees for violations of the Hatch Act.

Stull accused the employee of trying to “thwart” President Trump and undermine his agenda. After the trip, many of the employee’s job responsibilities were taken away. The employee reported that she was excluded from all sensitive discussions and was effectively no longer IO’s congressional point of contact. She was instead assigned mostly administrative tasks and eventually left the Department because she was frustrated by the lack of substantive work. Other witnesses told OIG that many of the employee’s congressional affairs-related job duties were reassigned after she accompanied the Congressional Black Caucus. Such actions are clearly inconsistent with Department policies requiring that assignments be on the basis of merit.<sup>24</sup>

## **Retaliation Based Upon Conflicts of Interest**

Prior to her tenure at the Department, Ms. Stull was employed with the Food and Agriculture Organization (FAO) of the UN and filed an administrative claim regarding her employment with the UN. During this time, she tried to enlist an employee of the IO Bureau to advocate with the FAO to resolve the claim in her favor and to provide her with legal advice. This employee consulted with one of his managers, who advised him to contact the Office of the Legal Adviser (L). The employee did so, and L advised him that such intervention would be inappropriate. The employee, in turn, informed Ms. Stull that he could not assist her, but she continued to press for IO’s intervention. The dispute with the FAO continued during Ms. Stull’s employment as Senior Advisor in IO. OIG found evidence that Ms. Stull retaliated against the two IO career employees whom she believed had been insufficiently supportive of her position in her employment claim with the FAO.

When Ms. Stull arrived at the Department in April 2018, she began to vocally express her disfavor with both the employee from whom she sought support and his manager (who advised him to contact L).<sup>25</sup> Several IO employees reported that Ms. Stull frequently criticized the work of the employee and his manager to the Assistant Secretary and other IO leaders. For example, she told the Assistant Secretary in the presence of others that one of the individuals was “unprofessional” and was trying to “undermine” her without providing any basis for such opinions. IO employees told OIG that Ms. Stull frequently complained to the Assistant Secretary about the manager’s continued presence in the bureau. Ms. Stull also assigned a lower-level employee to sit in on and “monitor” the manager’s phone calls with multilateral institutions and IO posts, an idea that the then-PDAS deemed inappropriate and halted. Assistant Secretary Moley told OIG that the only complaints he could recall Ms. Stull making about these employees related to “policy disagreements” and failure to copy colleagues on emails. However, OIG found that Ms. Stull’s complaints about both employees began almost immediately after she joined the Department and before she had an opportunity to work with them. Both employees consistently received outstanding performance evaluations.

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<sup>24</sup> 3 FAM 1212.2 (November 16, 2011).

<sup>25</sup> Both employees are specifically discussed in correspondence between Ms. Stull’s counsel and the FAO.

OIG found that Ms. Stull, with the Assistant Secretary's acquiescence, took other concrete retaliatory actions regarding the employee whose intervention she had sought prior to her tenure at the Department. This employee had long handled the food security portfolio in IO and was recognized as the Department's leading expert on this topic. Nonetheless, Ms. Stull engaged in several discussions with various IO managers about removing this portfolio from the employee without providing any reason for doing so. In September 2018, the employee was assigned by one of the IO Deputy Assistant Secretaries to the U.S. delegation to the UN General Assembly (UNGA)— food security was one of the delegation's priorities, and there were several meetings scheduled on the topic. However, days before the event, Ms. Stull and Assistant Secretary Moley removed the employee from the delegation without explanation. Assistant Secretary Moley told OIG that he was unsure of the reason for the removal, but other witnesses involved in the selection of delegates told OIG that the employee's removal was at Ms. Stull's request. In October 2018, the employee represented the Department at a food security conference. Ms. Stull learned of his attendance during the conference and berated his supervisors for approving his attendance, telling them that the employee "had no right" to attend.

Ms. Stull's criticism of these employees and her attempts to remove job responsibilities from the employee whose assistance she sought appear likely to have been based on her belief that the individuals did not provide her with sufficient assistance in her private employment dispute. The positive recognition previously received by the employees and their history of strong performance cast doubt on other possible justifications, particularly given Ms. Stull's short tenure with the Department at the time she began raising these criticisms. The Department holds all of its employees to principles of ethical conduct that include placing loyalty to the Constitution, the laws, and ethical principles above private gain.<sup>26</sup> Retaliation against employees based on their compliance with guidance from L not to provide Ms. Stull with the support she was seeking in her private employment dispute violates these principles. Ms. Stull's actions raise concerns that the leadership of IO violated the Department policy that assignments must be made solely on the basis of merit.<sup>27</sup>

## **Failure of Bureau Leadership to Respond to Concerns**

### ***Concerns Expressed by Employees***

Several employees told OIG that they approached the Assistant Secretary at various times with concerns about treatment of employees and management of the bureau. These employees consistently reported to OIG that Assistant Secretary Moley reacted negatively when employees brought concerns to him and that, rather than addressing the issue directly, he tended to minimize the concern or place blame on others. Assistant Secretary Moley told OIG that no employees had "ever" raised concerns with him regarding morale or treatment of

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<sup>26</sup> 11 FAM 611.4-4 (November 3, 2015).

<sup>27</sup> 3 FAM 1212.2 (November 16, 2011).

employees. However, this is inconsistent with the statements of numerous IO employees from different offices who described to OIG such conversations with the Assistant Secretary.

Similarly, when individuals raised concerns with Ms. Stull about her treatment of employees, she asserted that she was herself the victim of harassment and informed at least one employee that raising such concerns was pointless because the Trump administration “has my back.”

The Department’s leadership principles set forth expectations that its leaders will encourage an atmosphere of open dialogue and trust and “discourage counter-productive confrontation.”<sup>28</sup> They also expect leaders to be self-aware by being “tuned in to the overall attitude and morale of the team and be proactive about understanding and soliciting varying points of view.”<sup>29</sup> The Assistant Secretary’s and Ms. Stull’s failure to address repeated concerns brought by IO employees regarding their treatment and morale does not comport with these principles, which contemplate that Department leaders respond respectfully when faced with criticism rather than blame others or excuse their own conduct.

### ***Concerns Expressed by Department Management***

Additionally, the Assistant Secretary failed to adjust his conduct when Department officials expressed concerns regarding the management of IO. Beginning in late April 2018, a succession of increasingly more senior Department officials shared concerns they had received regarding the leadership and management of IO directly with Assistant Secretary Moley. However, OIG found that Assistant Secretary Moley did not undertake any meaningful efforts to address these concerns. Furthermore, in the course of this review, OIG continued to receive accounts of the same type of conduct against which the Assistant Secretary had been counseled, such as hostile treatment of employees, allegations of disloyalty, and conflicts of interest.

In late April 2018 (shortly after Assistant Secretary Moley arrived), then-Under Secretary for Political Affairs Thomas Shannon met with Assistant Secretary Moley to discuss concerns about management of the bureau that Under Secretary Shannon had heard from several IO employees. Under Secretary Shannon told OIG that he reminded Assistant Secretary Moley that his first responsibility is to the Secretary and that he put himself at risk by not exercising leadership and granting Ms. Stull an “unprecedented level of independence” to manage the bureau, especially during the critical period before UNGA. Under Secretary Shannon advised against managing the bureau by intimidating staff and questioning their loyalties.

After this meeting, employees continued to raise similar concerns with Department leadership, including Acting Under Secretary Stephen Mull (Under Secretary Shannon’s successor). On June 13, 2018, Acting Under Secretary Mull contacted Assistant Secretary Moley and recounted these concerns, including an email exchange that the Assistant Secretary had with a junior desk officer,<sup>30</sup> the reported imminent departure of several members of IO’s senior staff, and general

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<sup>28</sup> 3 FAM 1214(b)(9) (September 21, 2018).

<sup>29</sup> 3 FAM 1214(b)(6) (September 21, 2018).

<sup>30</sup> This is the same email exchange with a junior desk officer in a regional bureau described on page 7.



reports that he was “targeting” career civil service and Foreign Service officers. Acting Under Secretary Mull advised Assistant Secretary Moley that such reports were “embarrassing” to the Secretary and ran counter to his priority of lifting morale and forging a better sense of teamwork. Acting Under Secretary Mull directed him to take several steps, including:

- Direct Ms. Stull to stop all further public engagement (e.g., social media posts) in which she criticized Department employees;
- Verify that Ms. Stull had formally recused herself from all activities involving the FAO;
- Deliver a message to all IO employees, either through an all-hands town hall meeting or a written message to all employees, emphasizing his commitment to inclusion, teamwork, professional respect, and all the other key leadership values; and
- Develop a staffing plan to manage the concurrent departures of two IO Deputy Assistant Secretaries.

Assistant Secretary Moley took some steps to meet these instructions, such as recruiting an experienced career employee to serve as PDAS, who began in August 2018.<sup>31</sup> On June 15, 2018, Assistant Secretary Moley also sent to everyone in IO an email that did not explicitly identify a “commitment to inclusion” but stated, “We all need to remember that only by expressing, explaining, and debating the widest range of ideas and opinions can we come to the best decisions for our Bureau, Department and our great Country.” In September 2018, shortly after the incoming PDAS arrived, Assistant Secretary Moley asked him to convey a message regarding inclusion to all employees. At a staff meeting, the PDAS acknowledged the allegations described in the June 13 *Foreign Policy* article and pledged a commitment to inclusion. After the meeting, however, Ms. Stull chastised the PDAS for delivering this message and stated that she was the only victim of discrimination.

Assistant Secretary Moley also told OIG that immediately after his June 13 conversation with Acting Under Secretary Mull, he (Assistant Secretary Moley) directed Ms. Stull to stop all public criticism of Department employees, including on social media.<sup>32</sup> Shortly thereafter, on June 15, 2018, an article that quoted Ms. Stull appeared on the website, heavy.com. In the article, she described the June 13 *Foreign Policy* article that contained allegations that she was conducting political vetting as “a hit piece written in consort with leakers who want to malign this President and anyone associated with the Administration.” After the heavy.com article was published, on June 20, 2018, Acting Director General William Todd told Assistant Secretary Moley that Ms. Stull’s comment “wasn’t approved, is just going to inflame things more and overall wasn’t helpful.”<sup>33</sup>

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<sup>31</sup> This individual replaced the first PDAS, who, as described below, Assistant Secretary Moley reassigned in May 2018.

<sup>32</sup> Assistant Secretary Moley told OIG that he did not view her social media activity as problematic because he believed that she was merely reposting other posts on Twitter.

<sup>33</sup> Acting Director General Todd documented this conversation in an email to Acting Under Secretary Mull. The FAM requires Department employees to seek appropriate clearance before making a statement to the media regarding a matter of Department concern. 3 FAM 4176.3 (March 27, 2017). Ms. Stull did not seek such clearance before providing the statement to heavy.com.

Assistant Secretary Moley also acknowledged to OIG that, during this conversation, Acting Director General Todd asserted that he had received credible allegations of retaliation consistent with the allegations in the *Foreign Policy* article. Assistant Secretary Moley stated that he told the Acting Director General that he had no idea to what he was referring and that the allegations were probably the result of a meeting on May 18, 2018, that the former PDAS had with other IO managers. Assistant Secretary Moley described this meeting as intended to solicit allegations against Ms. Stull.<sup>34</sup>

Ms. Stull's comments in the heavy.com article caused considerable concern among senior officials at the Department, and on June 25, 2018, Deputy Secretary John Sullivan met with Assistant Secretary Moley to discuss the comments and the general atmosphere in IO. According to Deputy Secretary Sullivan, Assistant Secretary Moley responded that IO employees were misinterpreting his and Ms. Stull's actions and were over-reacting. Also, on June 25, Deputy Secretary Sullivan and then-Legal Adviser Jennifer Newstead counseled Ms. Stull on her treatment of employees. Shortly after the meeting, Ms. Stull sent Ms. Newstead an email that stated, "please know how very sorry I am that, through my actions, I have unnecessarily caused you to take your time and efforts away from your work and mission at the Department. I'll work every day to restore your trust and confidence in me – professionally and personally."

Despite these counseling efforts, multiple witnesses told OIG that the hostile treatment and other conduct described above continued into the fall of 2018, and some of the notable examples described above occurred after Assistant Secretary Moley's June 2018 meeting with the Deputy Secretary. For example, the incident in which Assistant Secretary Moley and Ms. Stull publicly berated a junior employee, causing her to cry, occurred in October 2018. The removal of responsibilities of the employee whose assistance Ms. Stull requested in her private employment dispute also occurred in the fall of 2018. Furthermore, in his interview with OIG, Assistant Secretary Moley was dismissive of the counseling he received from senior Department leaders. He cited other senior government positions he held in the past and expressed his opinion that individuals such as Acting Director General Todd were in no position to give him advice.

Numerous employees told OIG that these issues have led to a serious morale problem in IO. These issues have also contributed to retention concerns. Approximately 50 of 300 domestic IO employees have departed IO since Assistant Secretary Moley took over its leadership, and nearly all of the former employees who OIG interviewed stated that poor leadership of the bureau contributed to their decision to depart.

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<sup>34</sup> OIG interviewed multiple attendees at the May 18 meeting that Assistant Secretary Moley referenced, and none of them agreed that the PDAS solicited allegations against Ms. Stull. Rather, they stated consistently that, although there was extensive discussion of how Ms. Stull and Assistant Secretary Moley treated staff, the meeting was called to address ways to "protect lower level staff."



## **PERSONNEL ACTIONS THAT RAISE NON-MERIT-BASED CONCERNS**

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During the course of this review, OIG received allegations pertaining to two personnel actions undertaken by Assistant Secretary Moley and Ms. Stull that raised concerns about compliance with the Department's policies regarding the use of non-merit factors in personnel decisions. OIG examined these two actions: the removal of the first PDAS who served under Assistant Secretary Moley and the selection process for the career position of Deputy Director of the Office of Human Rights and Humanitarian Affairs (HRH).

### **Removal of the PDAS**

OIG examined allegations that, in May 2018, Assistant Secretary Moley dismissed the PDAS because she raised concerns regarding the management and leadership issues described above. The PDAS has over 25 years of experience in the Foreign Service, is a career member of the Senior Foreign Service, and served as an Ambassador and as Acting Assistant Secretary of IO for several months prior to Assistant Secretary Moley's confirmation. She has received numerous awards from the Department, including a Presidential Rank of Meritorious Executive Award.<sup>35</sup>

Several weeks after Assistant Secretary Moley and Ms. Stull arrived at the Department, the PDAS became concerned about their management of the bureau, particularly their treatment of junior staff. She was also concerned by what she believed to be Ms. Stull's conflict of interest, as described above, and that Ms. Stull's treatment of certain employees from whom she sought assistance in her employment claim may have been in retaliation for their decision not to help her in this matter. The PDAS initially raised these concerns verbally with Assistant Secretary Moley, who replied that he was not concerned about Ms. Stull's conduct and that Ms. Stull was named to be his Senior Advisor so that she could help him manage the bureau as she deemed appropriate. In April 2018, the PDAS discussed her concerns with then-Under Secretary for Political Affairs Thomas Shannon and Deputy Secretary Sullivan. As described in the previous section, Under Secretary Shannon then raised these concerns with Assistant Secretary Moley in late April 2018.<sup>36</sup>

On May 16, 2018, Ms. Stull sent an email to a junior employee criticizing him for scheduling a routine teleconference while she and the Assistant Secretary were traveling. On this email, she copied the Deputy Assistant Secretary (DAS) to whom the employee reported, the PDAS, and Assistant Secretary Moley. The DAS responded to the email, noting that her team had sent several emails – none of which were answered – offering to brief the Assistant Secretary and Ms. Stull on the issues that would be discussed on the teleconference and offering the chance

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<sup>35</sup> The Presidential Rank Award of Meritorious Executive is second-highest annual award given to selected career senior executives. The award may be given to no more than 5 percent of the members of senior executives in any given year.

<sup>36</sup> Assistant Secretary Moley told OIG that he assumed that the PDAS had probably brought her concerns to Under Secretary Shannon partly because they were friends.

to participate. After this email exchange, the PDAS requested a meeting with Assistant Secretary Moley to discuss how to encourage civility and to again raise concerns about the treatment of employees. During this meeting, which occurred on May 17, the Assistant Secretary told the PDAS that he did not believe that her concerns about Ms. Stull were valid and that he needed Ms. Stull to help him manage IO. The Assistant Secretary told the PDAS that it was obvious to him that she had problems working with Ms. Stull and that, therefore, the PDAS should be prepared to leave the bureau. Shortly thereafter, the Assistant Secretary began the process of replacing the PDAS.

The PDAS told OIG that she was “confused” by the unexpected nature of Assistant Secretary Moley’s instructions, so she quickly scheduled another meeting with then-Under Secretary Shannon. Under Secretary Shannon immediately contacted Assistant Secretary Moley and urged him to retain the PDAS. He told Assistant Secretary Moley that it was a mistake to dismiss her and that she brought good diplomatic experience to the bureau at a time when Under Secretary Shannon felt it was needed. According to Under Secretary Shannon, Assistant Secretary Moley told him that, by raising concerns about management of the bureau, the PDAS was “challenging” his leadership and thus he had lost confidence in her. Under Secretary Shannon told OIG that he strongly urged Assistant Secretary Moley to retain the PDAS, but he was very “resistant” to his advice.

Assistant Secretary Moley told OIG that during his May 17 meeting with the PDAS, they discussed Ms. Stull’s conduct. Assistant Secretary Moley said he defended Ms. Stull and told the PDAS that Ms. Stull “would not be leaving” the Department; he also told OIG that he said that if the PDAS had a problem with Ms. Stull’s conduct, the PDAS should be prepared to leave IO. OIG notes, however, that in speaking with OIG, none of the reasons that Assistant Secretary Moley provided for his decision to dismiss the PDAS included her working relationship with Ms. Stull. First, he said that the PDAS “never stopped being Acting Assistant Secretary.” Second, he said that the PDAS would not share information. As an example, he stated that he had requested from the PDAS a list of American citizens employed at the UN. According to Assistant Secretary Moley, the PDAS told him that they would have to create such a list, but after she left IO, he realized that such a list already existed. Finally, Assistant Secretary Moley stated that he had already identified another career Senior Foreign Service Officer with whom he had previously served whom he planned to recruit as the PDAS.

The explanations provided by Assistant Secretary Moley do not resolve questions regarding the motivation for the decision to remove the PDAS when viewed in light of the overall circumstances of her dismissal. For instance, when OIG asked what he meant by saying that the PDAS “never stopped being Acting Assistant Secretary,” Assistant Secretary Moley gave as an example her suggestion to him that all requests to junior staff flow through her but did not otherwise suggest that her demeanor or attitude was inappropriate. OIG finds it troubling that a management proposal of this type would be construed as improper and a basis for removal, particularly given that the PDAS was addressing widespread concerns regarding treatment of employees. Similarly, Assistant Secretary Moley’s sole example of the failure to share information relates to an instance in which he admitted that he realized the failure only after the PDAS left IO; that is, it could not have been a contemporaneous influence on his decision to

ask her to leave. Finally, at the time that Assistant Secretary Moley ordered the PDAS to leave the bureau, he had not yet approached the candidate he told OIG he had affirmatively identified by name to serve as the replacement PDAS. That candidate (who eventually became the second PDAS to serve under Assistant Secretary Moley) told OIG that Assistant Secretary Moley only approached him about serving as PDAS after it was publicly announced in June 2018 that his predecessor was departing IO.

Although OIG acknowledges the Assistant Secretary's discretion to make personnel decisions, OIG also must consider the overall context in which this decision was made—namely, that the dismissal of the PDAS occurred after she raised concerns about IO management. Tellingly, Assistant Secretary Moley's statement that the PDAS should be prepared to leave the bureau occurred during the May 17, 2018, meeting requested by the PDAS to address the treatment of junior staff and civility in IO. As noted above, numerous Department employees told OIG that Assistant Secretary Moley reacted dismissively whenever they raised concerns about the management of IO.

Department policy requires that assignments for Foreign Service officers be made solely on the basis of merit.<sup>37</sup> Likewise, based on and consistent with 5 U.S.C. § 2302(b)(8), the Department prohibits taking any personnel action against a Foreign Service officer in retaliation for the disclosure of information that the employee reasonably believes evidences a violation of any law, rule, or regulation.<sup>38</sup> The circumstances of Assistant Secretary Moley's removal of the PDAS suggests that he undertook a personnel action based on non-merit factors, namely, her articulation of concerns about Ms. Stull's conduct.<sup>39</sup> In addition, her removal raises questions regarding compliance with the Department's non-retaliation policy because the concerns that she brought to Assistant Secretary Moley, Under Secretary Shannon, and Deputy Secretary Sullivan could evidence the violation of a law, rule, or regulation.<sup>40</sup>

## **Cancellation of the Selection Process for the Deputy Director for HRH**

OIG examined allegations that Assistant Secretary Moley and Ms. Stull improperly interfered with the selection process for the position of the Deputy Director for the Office of Human Rights and Humanitarian Affairs (HRH). This career civil service position at the GS-15 level became vacant when the incumbent transferred to another office in the Department in February 2018. HRH is an office within IO that is responsible for advancing U.S. policy relating to human rights, democracy promotion, humanitarian assistance, women's issues, indigenous issues, and social affairs. HRH works through and with a variety of UN bodies and entities,

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<sup>37</sup> 3 FAM 1212.1 (September 21, 2018).

<sup>38</sup> 3 FAM 4329 (September 24, 2018).

<sup>39</sup> 3 FAM 4329 (September 24, 2018).

<sup>40</sup> The Department's leadership principles are set forth in the FAM, a Department rule. Concerns regarding Ms. Stull's conflict of interest could also reasonably be evidence of a violation of any law, rule, or regulation, specifically the standards of ethical conduct for federal employees, which are included in federal regulation.

including the UN Human Rights Council (HRC),<sup>41</sup> the Office of the High Commissioner for Human Rights, UN Women, the UN Democracy Fund, the Office for the Coordination of Humanitarian Affairs, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

The HRH Director and the DAS overseeing the office wanted to fill this vacancy immediately, and they worked with human resources officials in the Joint Executive Office to advertise it on USA Jobs on April 24, 2018, after the hiring freeze was lifted.<sup>42</sup> By early May, the Joint Executive Office had prepared a certificate of eligible candidates.<sup>43</sup> On May 9, 2018, Assistant Secretary Moley contacted the HRH Director and asked to see the names of the individuals who had been included on the certificate. The Director emailed him the list of the names, and the Assistant Secretary forwarded the email to Ms. Stull. The DAS then met with Assistant Secretary Moley, and he asked her if they had a leading candidate for the position. The DAS responded that she had identified a foreign affairs officer who had been serving in the Deputy Director position in an acting capacity. Shortly thereafter, Assistant Secretary Moley informed the DAS that he had decided not to move forward with filling the position. He did not provide the DAS with a reason for this decision.

On May 29, the HRH Director informed the Joint Executive Office that it would not be filling the vacancy, which meant that the certificate of eligible candidates would expire, and a new hiring action would have to be initiated for the position to be filled. The Joint Executive Office asked for a memorandum to close out the vacancy, and the HRH Director drafted a memo that stated that "IO/HRH halted the hiring process for the IO/HRH Deputy Director position after being informed that the IO Front Office did not want to proceed with filling the position pending review of the structure of the bureau." According to the HRH Director, the only reason for the non-selection that the DAS conveyed to him was that Assistant Secretary Moley was examining the organization of IO.

In his interview with OIG, Assistant Secretary Moley stated that he decided that the position did not need to be filled because he knew at that point that the U.S. was planning to withdraw from the HRC. According to him, addressing issues before the HRC was a major component of the position, and the position would accordingly not need to be filled if the U.S. withdrew from the HRC. However, OIG found evidence that the decision to withdraw was still being debated on the date that Assistant Secretary Moley instructed the DAS not to fill the position and that the decision was not formally reached until June. More significantly, though, in August 2018, after the U.S. had withdrawn from the HRC, the position was re-advertised without any substantive change to the position description or vacancy announcement. This casts doubt on

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<sup>41</sup> HRC addresses thematic human rights issues such as freedoms of association and assembly, expression, and religion; women's rights; gay and lesbian rights; and the rights of racial and ethnic minorities.

<sup>42</sup> IO and the Bureau of European and Eurasian Affairs share an executive office, known as the Joint Executive Office, that provides human resources services.

<sup>43</sup> A certificate of eligibles contains the best qualified applicants for a position and is provided to the selecting official from which to select a candidate.

Assistant Secretary Moley's claim that the position was unnecessary if the U.S. was not in the HRC.

Furthermore, an IO employee told OIG that she heard Ms. Stull request that Assistant Secretary Moley not fill the position in order to block the selection of the foreign affairs officer that the DAS had identified as the "leading candidate." According to the employee, Ms. Stull raised objections to the employee's work in the Department on issues affecting the UNRWA and on gay and lesbian rights. Other IO employees told OIG that they had heard similar criticism of the employee by Ms. Stull contemporaneous with the decision to cancel the selection process. For example, the DAS overseeing the HRH office told OIG that Assistant Secretary Moley had separately instructed her that the foreign affairs officer should not be allowed to clear Department documents because Ms. Stull disliked his work on UNRWA issues. Another employee affirmatively reached out to OIG before the Department had even referred the IO allegations because he was disturbed by a conversation with Assistant Secretary Moley. This employee stated that Assistant Secretary Moley told him that Ms. Stull did not want the foreign affairs officer to work on human rights issues because he was not "trustworthy" because of his work on UNRWA and because of his relationship with the gay and lesbian community. Assistant Secretary Moley confirmed to OIG that Ms. Stull had been critical of the foreign affairs officer's work on UNRWA issues because she believed UNRWA was anti-Semitic, but he denied that he had ever heard Ms. Stull criticize the officer's connections to the gay and lesbian community.

Shortly after the certificate of eligible candidates expired, Ms. Stull met with officials in the Joint Executive Office and instructed them that the position descriptions for all future vacancies should "reflect President Trump's agenda" and stated that they should "require conformance to the President's beliefs." The Joint Executive Office officials informed Ms. Stull that position descriptions are based on guidance from the Office of Personnel Management, so they could not carry out her instructions.

Although Assistant Secretary Moley told OIG that he did not want the HRH Deputy Director position filled because the U.S. had decided to withdraw from the HRC, OIG gathered considerable evidence indicating that the underlying motive of the cancellation of the selection process was to support Ms. Stull's desire to block the foreign affairs officer that the DAS had stated was the leading candidate. For one, as noted above, Assistant Secretary Moley's stated reason for cancelling the selection process was inconsistent with the bureau's decision to fill the position shortly after the U.S. had withdrawn from the HRC. Furthermore, several witnesses told OIG that Ms. Stull's objection to the foreign affairs officer was based on the substantive nature of his past work on various issues within IO. The issues to which Ms. Stull objected (UNRWA and gay and lesbian rights) were part of the employee's official portfolio at the Department, and Ms. Stull did not object specifically to his performance associated with work on these issues but rather to the policies themselves, which were certainly not determined by the employee himself.<sup>44</sup> Finally, Ms. Stull's instruction to the human resources officials that future vacancies reflect the President's agenda and beliefs was inappropriate for career

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<sup>44</sup> Likewise, no one suggested to OIG that the employee was incapable of or unwilling to carry out the responsibilities of the position.

positions and reflects an intent to introduce non-merit factors into the IO hiring process. Based on this evidence, Assistant Secretary Moley and Ms. Stull appear to have violated Department prohibitions on using non-merit factors in personnel assignments.<sup>45</sup>

## CONCLUSION

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OIG found significant evidence of systemic deficiencies in leadership and management relating to the treatment of career employees, as well as evidence that non-merit-based considerations played a role in at least two personnel decisions. Several employees raised concerns relating to disrespectful and hostile treatment of staff, inappropriate accusations of disloyalty and harassment of employees based on perceived political views, and retaliation based on conflicts of interest. Furthermore, despite being counseled by Department management regarding some of these issues, IO leadership has not adequately addressed these concerns. Such conduct conflicts with the Department's leadership principles, which set expectations that its management will strive for a collaborative, respectful, and inclusive workplace. Moreover, these failures of leadership have led to serious morale problems in IO and to the departure of a significant number of career staff. OIG encourages the Department to take action to address these concerns promptly.

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<sup>45</sup> 3 FAM 1212.2(b) (November 16, 2011).

## RECOMMENDATIONS

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OIG provided a draft of this report to the Department for its review and comment on July 12, 2019.

The Department conveyed comments by Assistant Secretary Moley on August 2, 2019. These comments are reprinted in Appendix B, although certain names and other identifying information have been redacted. In his response, Assistant Secretary Moley disputed various incidents described in this report and asserted that OIG “mischaracterized” the two personnel actions about which OIG raised concerns. More generally, he stated that he sought to promote a positive working environment and that retaliation and a hostile work environment “cannot be tolerated.” OIG stands by its findings, which are based on over 40 interviews and on documentary evidence. As noted above, nearly every IO employee interviewed by OIG raised concerns about the leadership of IO and the treatment of staff.

The Department provided its response to OIG’s recommendations on August 13, 2019. This response is reprinted in Appendix A.

**Recommendation 1:** The Under Secretary for Political Affairs should within 60 days develop a corrective action plan to address the leadership and management deficiencies within the Bureau of International Organization Affairs.

**Management Response:** The Department agreed with this recommendation. The Department noted that the Under Secretary for Political Affairs, which oversees IO, “has already engaged to improve the management and performance of the Bureau of International Organization Affairs in accordance with the standards and ethos established by the Secretary.”

**OIG Reply:** Based on the Department's response, this recommendation is resolved. This recommendation can be closed when the Department submits a copy of its corrective action plan. OIG notes that this plan should, among other things, address concerns relating to retention of personnel within IO and ensure that IO employees are able to raise concerns without fear of retaliation.

**Recommendation 2:** The Under Secretary for Political Affairs should consider whether disciplinary action is appropriate for the conduct described in this report.

**Management Response:** The Department agreed with this recommendation. The Department noted that two IO officials are named in the report, but one of them is no longer employed by the Department and therefore not subject to any disciplinary action. The remaining official has already been counseled regarding his leadership, and the Department will consider additional discipline based on OIG's “assessment” of the response from Assistant Secretary Moley.

**OIG Reply:** Based on the Department's response, this recommendation is resolved. This recommendation can be closed when the Department notifies OIG of its determination

regarding additional discipline. As noted above, however, OIG has no additional factual commentary regarding the assertions in the response received from Assistant Secretary Moley. OIG stands by the conclusions set forth in this report.



## APPENDIX A: DEPARTMENT OF STATE RESPONSE

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United States Department of State

Washington, D.C. 20520

UNCLASSIFIED  
MEMORANDUM

August 13, 2019

TO: OIG – Steve Linick

FROM: P – David Hale

SUBJECT: Response to the Office of the Inspector General

**OIG Recommendation 1:** The Under Secretary for Political Affairs should within 60 days develop a corrective action plan to address the leadership and management deficiencies within the Bureau of International Organization Affairs.

**Management Response:** The Department accepts this recommendation. The Under Secretary has already engaged to improve management and performance of the Bureau of International Organization Affairs in accordance with the standards and ethos established by the Secretary.

**OIG Recommendation 2:** The Under Secretary for Political Affairs should consider whether disciplinary action is appropriate for the conduct described in this report.

**Management Response:** The Department notes that two Bureau of International Organization Affairs officials are named in the report, but one of them is no longer employed by the Department, and therefore not subject to any disciplinary action. The other official named in the report has submitted a factual response to the draft OIG report contesting its findings and conclusions. This response has been provided previously to the OIG. The subject official has been counseled by Department leaders on appropriate leadership and management of the bureau. Further discipline will be considered following the OIG assessment of the official's response to the draft OIG report.

UNCLASSIFIED

## APPENDIX B: ASSISTANT SECRETARY MOLEY'S RESPONSE

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### **Response to OIG Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs**

#### **Executive Summary**

The OIG report summarized an extensive effort to determine the facts surrounding reporting in the press, congressional inquiries, and concerns raised with Department leadership about selected events in the IO Bureau during the timeframe covered by the report. I appreciate the opportunity to respond.

The information in the report is concerning. Retaliation and circumstances constituting a hostile work environment cannot be tolerated. Career staff are subject to a number of external stress factors, including those that typically occur during leadership transitions resulting from changes in administrations. There should be minimal stress generated by internal factors. As described in the attached detailed response, IO Bureau leadership has taken and continues to take steps to address the issues raised in the report. However, there is contextual information missing and factual inaccuracies that could skew perceptions of actions that the bureau has taken, and IO offers the attached in an effort to provide a more complete picture.

While the report indicates extensive interviews with current and former IO staff, the focus of the report is on two specific personnel actions, which I believe are mischaracterized. I regret not more fully elaborating with OIG staff on the closely held internal information that led to his decision not to fill the DD/HRH position.

IO Bureau leadership has instituted steps to ensure a positive work environment. These include statements by me promoting diversity of ideas, both in writing (see attached) and in meetings, with senior Bureau staff. I promote a welcoming environment with the support of senior Bureau leadership. I have maintained an open door policy during my tenure, and the PDAS has instituted weekly office hours, open to all staff.

The OIG report has raised awareness of the need to be more proactive. I, along with senior Bureau leadership, remain committed to promoting a positive work environment that is consistent with the U.S. Department of State Professional Ethos.

In conclusion, the behavior attributed to me regarding raising my voice, berating employees, and contributing to a hostile work environment does not represent the person I am or have ever been. There are six current or former State Department foreign service officers who have served with me, who have gone on to become Ambassadors, and can attest that the behavior attributed to me in this report is not reflective of their experience. Moreover, there are countless foreign service, civil service, and locally employed staff who would testify to this fact.

#### **Leadership Deficiencies and Mistreatment of Career IO Employees**

##### *Disrespectful and Hostile Treatment of Employees*

1. "Assistant Secretary Moley and Ms. Stull frequently berated employees, raised their voices, and generally engaged in unprofessional behavior towards staff." (page 6, para 1)

I pride myself in handling work situations with tact, directness, sensitivity, and the highest levels of professionalism. This includes a long career of treating people with respect and not "berating, or raising my voice" targeting any employee. The behavior cited in the report is incorrectly being attributed to me.

2. "Assistant Secretary Moley and Ms. Stull would directly assign their subordinates work without routing the task through the employee's chain of command to ensure that the employee had sufficient time or experience." (page 6, para 2)

Although I do not recall doing so, I would note that in the press of business and supervisor absences, there are instances that require direct action. That said, the example cited in the report is incorrectly being attributed to me.

3. "Employees reported that they were reprimanded by Assistant Secretary Moley and Ms. Stull for following established Department policies and procedures. Many of these exchanges surrounded the document clearance process." (page 6, para 3)

In the case of my email exchange of June 11, this clearance was on an issue of controversy, which had been the subject of repeated flash clearance requests. This email was an expression of my frustration with what I believed to be an attempt to bypass the proper clearance process.

4. "Both Assistant Secretary and Ms. Stull raised their voices and publicly berated the junior employee, causing her to cry." (page 7, para 1)

I unequivocally deny that I publicly berated a junior officer causing her to cry. If such an event occurred, I did not witness it.

5. The Flag (page 7, para 3)

I am vaguely aware that Ms. Stull requested a flag for her office, but I can assure you I was not involved in any aspect of this action. Therefore, I could not have blamed anyone for its delay. I suspect someone may have invoked my name to expedite the process.

6. Travel (page 7, para 3)

I did not request, let alone demand, first class travel. The proposed May 2019 trip was my first after returning to government service, and I did inquire about the travel policy as it had changed since my previous tenure, I certainly did not accuse anyone of "not fighting hard enough" for a request I did not make.

*Unmerited Accusations of Disloyalty and Harassment Based on Perceived Political Views*

1. "The Assistant Secretary accused them of 'undermining the President's agenda,'" (page 8, para 1)

I did not accuse any individual of undermining the President's agenda. I have and continue to advocate for the policies of this Administration, as would be expected.

*Retaliation Based Upon Conflicts Interest*

1. "Days before the event (UNGA 73 High Level Week), Ms. Stull and Assistant Secretary Moley removed the employee from the delegation without explanation." (page 9, para 3)

I was unaware the employee was going to UNGA or was removed from the delegation.

*Failure of Bureau Leadership to Respond to Concerns*

*Concerns Expressed by Employees*

1. "Several employees approached the Assistant Secretary with concerns about the treatment of employees and management of the bureau .... These employees consistently reported to OIG that Assistant Secretary Moley reacted negatively when employees brought concerns to him and that, rather than addressing the issue directly, he tended to minimize the concern or place blame on others." (page 10, para 2)

I do not recall any concerns raised to me regarding the treatment of employees and management. I have always had and kept an open door policy. Moreover, during my tenure as A/S, I have met with each office and its staff in the Bureau on a periodic basis to touch base, share my vision for the Bureau, and to listen to any concerns or questions the office staff may have. In addition, my PDAS initiated regularly scheduled office hours at which time Bureau employees can express any matter they would like to bring to IO/FO's attention.

*Concerns Expressed by Department Management*

1. "Under Secretary Shannon told OIG that he reminded Assistant Secretary Moley that his first responsibility is to the Secretary and that he put himself at risk by not exercising leadership and granting Ms. Stull an 'unprecedented level of independence' .... " (page 11, para 3)

The meeting with U/S Shannon was part of our regularly scheduled meetings, and I have no recollection of that advice being given. As I recall, my conversations U/S Shannon were about Department events and colleagues we knew in common. Given that I had only come on board April 2, I would recall such a conversation raising concerns.

2. "Acting Under Secretary Mull directed him (A/S Moley) to take several steps, including (a) Direct Ms. Stull to stop all further public engagement (e.g. social media posts) in which she criticized Department employees; (b) verify that Ms. Stull had formally recused herself from all activities involving the FAO; (c) deliver a message to all IO employees, either through an all-hands town hall meeting or a written message to all employees, emphasizing his (A/S Moley) commitment to inclusion; and (d) develop a staffing plan to manage the concurrent departures of two IO Deputy Assistant Secretaries." (page 11, para 4)

I believe I took all the instructed steps and will address those that the report cites as inadequate:

- With reference to Heavy.com, as soon as I became aware of the website's article, I warned Ms. Stull that this was completely unacceptable and could lead to her dismissal. I had previously counseled Ms. Stull about her usage of social media in the wake of her retweet of a former Administration official. Regarding footnote 32, I was not condoning Ms. Stull's behavior but was trying to distinguish between the two events.
  - Regarding delivering a message to IO on inclusion, as noted, I sent a Bureau wide email (see attached) stating the need to allow for the widest range of opinions, my way of expressing a commitment to inclusion. I also underscored support for inclusion during staff meetings. As stated in the report, I did ask the incoming PDAS upon his arrival to convey a message regarding inclusion to all employees.
3. "... on June 25, 2018, Deputy Secretary Sullivan met with Assistant Secretary Moley to discuss the comments and the general atmosphere in IO. According to Deputy Secretary Sullivan, Assistant Secretary Moley responded that IO employees were misinterpreting his and Ms. Stull's actions and were over-reacting." (page 13, para 1)

When I told Deputy Secretary Sullivan that IO employees were misinterpreting my and Ms. Stull's actions, I was specifically responding to allegations made in the June 13, 2018, "Foreign Policy" "Trump Appointee Compiles Loyalty List of U.S. Employees at U.N., State." The article states, "She (Mari Stull) is actively making lists and gathering intel," said one of the sources, a senior diplomat." I would note that the allegation about a loyalty list was not confirmed in the OIG report. To my knowledge, no loyalty list was compiled.

4. "Furthermore, in his interview with OIG, the Assistant Secretary was dismissive of counseling he received from senior Department leaders. He cited other senior



government positions he held in the past and expressed his opinion that individuals as Acting Director General Todd were in no position to give him advice." (page 13, para 2)

I was not dismissive of Acting Director General Todd, and I certainly did not intend to convey that impression. I did, as stated in the report, indicate I had held positions of responsibility and therefore recognized the import of the issues involved.

#### **Personnel Actions that Raise Non-Merit-Based Concerns**

##### *Removal of the PDAS (pages 14-16)*

During my interview for the position of A/S for IO, I was assured by the Deputy Chief of Staff to Secretary Tillerson that I would be able to choose my FO staff, including my PDAS. Between my nomination (January 8, 2018) and my swearing in (April 2, 2018), I had several conversations with my former colleague [REDACTED] about his future plans [REDACTED]. I noted to [REDACTED] that I hoped he would consider serving as the IO PDAS in the future as I was intent on building my team.

Contrary to the report, PDAS [REDACTED] did not share concerns about management practices with me shortly after my arrival nor did she schedule a May 17 meeting to discuss such concerns. On the morning of May 17, 2018, I asked for a meeting with U/S Shannon regarding personnel, during which I was going to preview my plan to bring in my team later that summer. Within a half hour of my request, PDAS [REDACTED] came to my office and stated forcefully that the situation in the IO front office with Ms. Stull was not working. I stated that Ms. Stull (a political appointee) was not leaving. PDAS [REDACTED] replied that she would then have to leave, and I replied she need not rush, that she had time to find a position as I believed [REDACTED] would not be available before the end of the summer. There was no further discussion, as is alleged, about treatment of junior staff, civility, or management of IO. PDAS [REDACTED] said she had a great career, which I took to mean she was contemplating retiring.

Later on May 17, I met with U/S Shannon as I requested and told him that my reason for asking to meet was to discuss my intent later that summer to bring on a new PDAS, but PDAS [REDACTED] now was planning to leave. The U/S said he hoped I had an experienced FSO in mind to replace her, and I assured him I did. I knew from a previous discussion how highly he thought of [REDACTED]. I have no recollection of U/S Shannon asking me to retain PDAS [REDACTED].

I was on travel the evening of May 17 through May 25. On my return, PDAS [REDACTED] did not indicate her future plans other than taking leave in mid-June. Shortly after her return from leave, without prelude on June 14, PDAS [REDACTED] informed me it was her last day. I was taken aback as I had not had any discussion about her plans since our conversation on the morning of May 17.

Later that summer, I received a call from [REDACTED], Senior Advisor to SG Guterres at the UN who told me he had heard from a senior UN official, [REDACTED] that PDAS [REDACTED] told him she had been fired by Ms. Stull. [REDACTED] rebutted [REDACTED] having previously heard from me how abruptly PDAS [REDACTED] on her own volition, had left IO.

I obviously did a poor job of explaining my reasons to the OIG for wanting to replace PDAS [REDACTED], but thought per my original discussion with the Deputy Chief of Staff the decision was mine to make. The OIG acknowledges in the report the A/S's discretion to make personnel decisions and as noted, I wanted to select my own team, specifically someone with whom I had previously worked and respected.

In summary, although I intended to eventually replace my PDAS, I categorically did not fire nor dismiss nor begin the formal process of reassigning her as referenced in the report. I was hoping to have a smooth and orderly transition at the end of the summer 2018.

*Cancellation of the Selection Process for the Deputy Director for HRH, pages 16-18*

As noted, the decision to withdraw from the HRC continued to be debated in the Department through early June. However, I neglected to mention to the OIG that by virtue of my position as A/S for IO, I was uniquely aware of the closely held information that the U.S. would withdraw from the HRC per Ambassador Haley's decision. This information led me to the conclusion the DD/HRH position, which had responsibility for the HRC, was no longer necessary.

Moreover, given the NSC request to me of May 16 to prevent the certification required for continued funding of UNRWA, which also fell within the purview of HRH, it was yet another reason for not filling the position. Later in 2018, the USG withdrew funding from UNRWA.

Finally, there is an allegation that I had a conversation with an employee during which I told him that Ms. Stull did not want the foreign affairs officer to work on human rights issues because he was not "trustworthy" due to his work on UNRWA and his relationship with the gay and lesbian community. I can attest that conversation did not take place. Any assertion of homophobia, or condoning thereof on my part is patently false and undermines the credibility of this report.

**Conclusion**

The behavior attributed to me regarding raising my voice, berating employees, and contributing to a hostile work environment does not represent who I am or who I have ever been. There are six current or former State Department foreign service officers who have served with me in Geneva, have gone on to become Ambassadors, and can attest that the behavior attributed to me in this report is not reflective of their experience. Moreover, there are countless foreign service, civil service, and locally employed staff who could testify to this fact.

## ABBREVIATIONS

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DAS	Deputy Assistant Secretary
Department	Department of State
FAM	Foreign Affairs Manual
FAO	Food and Agriculture Organization
HRC	Human Rights Commission
HRH	Office of Human Rights and Humanitarian Affairs
IO	Bureau of International Organization Affairs
L	Office of the Legal Adviser
OIG	Office of Inspector General
OSC	Office of Special Counsel
PDAS	Principal Deputy Assistant Secretary
SES	Senior Executive Service
UN	United Nations
UNGA	United Nations General Assembly
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East



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