



12 May 2023

Hon. Frank Lucas
Chairman, House Committee on Science, Space, and Technology

Hon. Zoe Lofgren
Ranking Member, House Committee on Science, Space, and Technology

2321 Rayburn House Office Building
Washington D.C. 20515

Dear Chairman Lucas and Ranking Member Lofgren:

Thank you for the opportunity to respond to the concerns and questions raised in your May 1, 2023, letter. Leidos is fully committed to addressing sexual harassment and sexual assault in Antarctica so that our Antarctic Support Contract team members – as well as all personnel in Antarctica – have a safe place to live and work while on ice. We are proud to be recognized by Ethisphere as one of the World’s Most Ethical companies since 2018 and are dutifully committed to working with NSF to improve the work and living experiences in Antarctica.

We acknowledge that our response to Ms. Johnson’s QFR, submitted to this Committee on January 17, 2023, was incomplete. That was not intentional. In preparing our response to the QFRs received after the December 6, 2022, hearing, we relied on our Polar Code of Conduct Violations database that we have maintained since starting performance of the ASC contract to generate the data we reported to this Committee. After investigating the data discrepancy addressed in your May 1, 2023, letter, we now realize that the data contained in the database is limited to substantiated violations of the Polar Code of Conduct. Leidos sincerely apologizes for this oversight. Leidos’ incomplete response is especially regrettable because it belies Leidos’ deep commitment to addressing sexual harassment and assault in Antarctica so that all personnel there have a safe place to live and work.

Due to the expanded reporting obligations included in the ASC contract that was modified in September 2022, we now collect and report to NSF both substantiated and unsubstantiated allegations involving sexual harassment and assault. To provide this Committee with information about unsubstantiated sexual harassment and assault reports occurring prior to October 2022, we are taking a close look at all allegations submitted to or known by Leidos since we started performance of the contract to determine if any involved sexual harassment or sexual assault. This response incorporates the results to date of that effort. We have also asked our subcontractors to do the same.

Committee Questions:

For the purposes of our responses, we are focused on the ASC contract that Leidos performs. NSF may be aware of additional matters reported to them through other avenues. It is important to make clear that Leidos' role in support of the ASC contract does not extend to any non-ASC entities and Leidos does not have insight into the reporting processes, investigations, or allegation responses by other such entities in Antarctica. When we receive a report involving employees of non-ASC entities, we refer them to NSF to coordinate an investigation by the relevant entity. The NSF and the investigating entity do not always share the outcome of the investigation with Leidos.

Question 1: How many allegations of sexual harassment and assault have you received since taking over the ASC contract? How many of those allegations were investigated and what were the timelines for those investigations? How many of those investigations resulted in findings of wrongdoing or violation of Leidos policy or procedures? What sanctions were imposed in those cases with findings of wrongdoing or a violation of policy?

From the start of our performance of the ASC contract in August 2016 through the date of the congressional hearing (December 6, 2022), Leidos has a record of 23 allegations related to sexual harassment and assault. Of these allegations, four allegations are related to sexual assault and 19 allegations are related to sexual harassment. All 23 allegations have been or are being investigated. The timeline for investigation is fact-dependent and varies based on the complexity of the incident, how many people were involved in the incident, the time lag between the incident and the report of the incident, and other similar factors. In all cases, we strive to initiate the investigation as soon as possible and conduct a thorough and efficient investigation so that appropriate steps can be taken at its conclusion. None of the four allegations relating to sexual assault were substantiated as sexual assault, but wrongdoing was found to have occurred in three of the allegations. Employment action was taken in those three cases up to and including termination. For the 19 allegations related to sexual harassment, six were substantiated as sexual harassment, 11 were unsubstantiated as sexual harassment, one is still under investigation, and one was referred to NSF. Of the 11 allegations unsubstantiated as sexual harassment, wrongdoing unrelated to sexual harassment was found to have occurred in seven cases. In all cases, when wrongdoing was found to have occurred, even if unrelated to sexual harassment or assault, action was taken by the employer of the wrongdoer. For individual wrongdoers, actions ranged from counseling and retraining to termination. In other cases, even if an allegation was unsubstantiated, action such as policy changes and community-wide communications on expectations for appropriate behavior was implemented.

The Committee has inquired about a particular sexual assault allegation provided to the Committee in response to an NSF FOIA request. This matter was initially reported to the complainant's employer, ██████████ in ██████████ 2019. ██████████ investigated the incident and did not substantiate sexual assault or harassment. ██████████ did not report the incident to Leidos as a Polar Code of Conduct violation. We understand that the subject of the investigation resigned sometime between ██████████. On ██████████, we understand that ██████████ terminated the complainant based on performance and behavior issues. Concerns from various members of the ASC community were raised that this termination was retaliation for having made a report. NSF requested that Leidos review ██████████ process for making the termination decision. Leidos reported to

NSF on March 6, 2020, that █████ took all concerns seriously and engaged their policies/procedures appropriately; the complainant initially characterized the event at issue as a “drunken mistake”; and there were legitimate performance issues and the complainant recognized these in her own record.

We are aware that a recent media article highlighted a different incident in Antarctica that was characterized as rape. The complainant reported the incident to the employer of the alleged aggressor █████ on █████ 2017, as rape that occurred in █████ 2015. █████ notified Leidos of the allegation on █████ 2017. █████ investigated and determined the allegation was unsubstantiated. Both the complainant and alleged aggressor separately recounted similar facts of the incident and both separately stated that the alleged aggressor stopped when the complainant requested him to stop. Regardless, on █████ 2017, Leidos requested that █████ rescind permission for the alleged aggressor to deploy to Antarctica. █████ notified the alleged aggressor on █████ 2017, that his offer to deploy to Antarctica was rescinded. █████ did not report this matter as a violation of the Polar Code of Conduct.

Question 2: Have you been made aware of any additional allegations of sexual harassment and assault since sharing your QFR responses with the Committee in January 2023? Have there been any additional findings or reports since your testimony in December 2022?

Since the hearing on December 6, 2022, Leidos has received 17 additional allegations involving sexual harassment or sexual assault. Two of the allegations related to sexual assault and 15 of the allegations related to sexual harassment. Of the two allegations relating to sexual assault, one was referred to NSF for investigation because it involved allegations against New Zealand Defense Force (“NZDF”) personnel. The other allegation was investigated by an ASC subcontractor and unsubstantiated. Of the 15 allegations relating to sexual harassment, three were referred to NSF for investigation because they involved allegations against NZDF and NSF personnel. The remaining 12 allegations have been or are being investigated by the relevant employers within the ASC community (i.e., Leidos or a subcontractor). One of the allegations has been substantiated as sexual harassment and the others have either been unsubstantiated or are still being investigated. Again, when wrongdoing was found, action was taken (regardless of whether the wrongdoing was sexual harassment or non-sexual in nature).

Question 3: How have you communicated to your employees that they are required to cooperate with the OIG’s investigation? How are you ensuring all staff are aware of this requirement?

Our commitment to working collaboratively with NSF to address the issues raised in the SAHPR Report extends to fully supporting the NSF OIG’s on-going inspection in this area. We recognize the important role that the NSF OIG fulfills in ensuring program integrity and safety. Any lack of cooperation with the OIG’s inspection will not be condoned by Leidos.

We have taken the following steps to inform and remind the ASC community about the OIG’s inspection and to require cooperation:

- We issued a written statement to ASC employees (both Leidos and subcontractor employees) and to the ASC program managers of each subcontractor making very clear

that cooperation with the OIG's inspection is not optional but required. See Attachment. We also cited the requirement in our contract and each subcontract (FAR 52.203-13)¹ to comply with all OIG investigations.

- We informed the ASC leadership team of the upcoming OIG presence when first scheduled in October 2022, and we worked with NSF to identify knowledgeable individuals to participate in interviews with the OIG.
- We notified the ASC McMurdo community of the OIG's February visit during our February Town Hall meeting and advertised the OIG's open office hours in our February 8, 2023, SAHPR Moments email.
- In advance of the OIG's visit to the ASC office in Centennial, Colorado, planned for May 15-16, 2023, we informed personnel working in that building of the planned visit and stated that everyone needs to participate in and support the OIG's efforts. We also are actively working with the NSF to coordinate times, locations, and individuals for interviews with the OIG inspectors during their visit to Centennial.

Question 4: What methods have you used to communicate to subcontractors the requirement for compliance with NSF OIG's investigation? What policies/contracts have you modified to ensure cooperation with the OIG?

Leidos issued a written instruction to the ASC subcontractors on May 5, 2023, to comply with their contractual obligation to cooperate with the OIG inspection. We reminded each subcontractor that FAR 52.203-13 is included in their subcontract. This clause requires cooperation with government investigations and audits. Upon receipt of modification number 136 to the ASC Contract, which among other things required Leidos' commitment to comply with FAR 52.203-13, we re-reviewed and modified as necessary each subcontract to ensure it included this FAR clause.

Questions 5: What is your process for informing NSF of new allegations?

NSF modified the ASC contract effective September 22, 2022, to include additional reporting obligations for sexual harassment and assault incidents. Leidos now includes events involving sexual harassment or assault in its monthly Incident Reports, and we submit a quarterly summary of all reports of sexual harassment and assault involving ASC contractors and subcontractors. The summary includes the nature and date of each report, how the report was investigated, when the investigation was completed, and the outcome. Leidos continues to submit annually a spreadsheet of the Polar Code of Conduct violations, which would include sexual harassment and/or sexual assault-related violations.

¹ FAR 52.203-13 Contractor Code of Business Ethics and Conduct requires in part that contractors have a written code of business ethics and conduct, exercise due diligence to prevent and detect criminal conduct and then report certain criminal conduct if it occurs, an ongoing business ethics and compliance program, and an internal control system that includes an internal reporting system such as a hotline, disciplinary action for improper conduct, and full cooperation with any government agency responsible for audits, investigations, or corrective actions.

Question 6: Are you informing NSF of incidents that result in lifetime bans for individuals who violate your code-of-conduct policies? Are you sharing the names of individuals who have been banned?

Leidos informs NSF of sexual harassment or sexual assault incidents through the quarterly reporting, incident reporting, and annual Polar Code of Conduct violations reporting, and if requested would share with NSF the names of the individuals who have been banned.

The ASC contract imposes a three-year ban (not a lifetime ban) on deploying to Antarctica for sexual harassment or assault offenders. Specifically, Clause H.2 of the ASC contract now requires that any ASC employee (Leidos or subcontractor) removed from Antarctica for sexual harassment or assault be prohibited from returning to Antarctica for three years from the date of their removal. The Performance Work Statement in the ASC contract now requires that Leidos and its subcontractors, as part of the pre-employment screening process for positions eligible for deployment to Antarctica, ask potential employees if they have been disciplined for incidents of sexual harassment or assault, or quit before being disciplined for sexual harassment or assault, within the past three years. Individuals are not eligible for deployment if they have been disciplined for sexual harassment or assault within the past three years. In addition, Leidos treats any Leidos employees terminated for sexual harassment or assault as ineligible for rehire.

Question 7: How are you considering and incorporating the recommendations and best practices identified in reports regarding sexual harassment and assault for the USAP, including the SAHPR report and OIG white paper?

Leidos has reviewed and considered the recent NSF OIG report “Law Enforcement Perspectives on Sexual Assault and Stalking Issues Pertaining to the United States Antarctic Program” (March 7, 2023). Our responses to the white paper and suggestions for improvement include:

- Leidos fully supports the finding in the OIG white paper that stronger law enforcement presence and procedures on ice are needed. We are dependent on NSF and the United States Government to make this happen. Leidos would also support a permanent NSF OIG presence on ice.
- The white paper mentions that NSF is working to obtain a baseline measure of SAHPR issues through a climate survey. Leidos has recently completed our own ASC climate survey and has offered to assist NSF with theirs.
- Leidos has requested that NSF incorporate into the ASC contract the definitions of sexual harassment and sexual assault provided by Leading and Dynamic Services and Solutions

(“LDSS”) in the SAHPR Report to achieve consistency for the ASC program when using and reporting on these terms.²

- We recognize stalking behaviors can be a precursor to assault. We have recommended to NSF the use of cameras in common areas to help people feel safer on ice.
- We agree that alcohol is not the primary cause of sexual misconduct, but because it can be a contributor, we have worked closely with NSF to modify the alcohol policy. We are supportive of the ration system that limits alcohol purchase in the retail store. If NSF determines that limiting alcohol served at the bars is necessary, Leidos is thoroughly supportive.
- The white paper also highlights that reporting SAHPR issues can still pose difficulties for grantees. Leidos is consistently working to ensure that all personnel on ice have access to the resources they need to be educated on SAHPR issues and how to report. In fact, grantees on ice (who do not fall under the purview of ASC) recently inquired about obtaining SAHPR-related information prior to their arrival in Antarctica because they do not have access to the USAP internal website until they arrive on ice. Leidos is supportive of NSF permitting us to post the information on the public facing USAP website to make the information more accessible. We very much want to make everyone aware of the reporting channels available to them and the investigative process after a complaint is received.
- We note that Leidos is not privy to issues disclosed or reported to the @SaferScience email address or the new hotline NSF has advertised.
- Leidos is thoroughly supportive of NSF’s decision to have SAHPR counselors on ice to ensure victim-centered responses to incidents.

While there are many aspects of the OIG white paper with which Leidos agrees and would like to implement, we are, in most instances, dependent on approval from NSF under our contract. We certainly will implement any improvement that is within our authority to implement, and we continue to communicate our suggestions and offers of help to NSF and stand ready to make further changes should NSF modify our contract accordingly.

After receipt of the SAHPR Report in July 2022, Leidos spent a significant amount of time reviewing all aspects of our ASC program performance that affect the safety and security of people’s

² LDSS defines sexual assault as “intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent.” Sexual harassment is defined to include “unwelcome sexual advances, requests for sexual favors, and other verbal or other conduct of a sexual nature when the conduct is made a condition of securing or maintaining employment or when the conduct creates an intimidating, hostile, or offensive working environment.” SAHPR Report at 23.

lives in Antarctica. We carefully reviewed the recommendations in the SAHPR Report. To date, we have implemented multiple changes to improve understanding of sexual harassment and assault and decrease the occurrence of sexual harassment and assault incidents. These changes include:

- Oversight
 - We established an oversight board comprised of Leidos management personnel representing our business, legal, contracts, human resources (“HR”), and operations functions to ensure we deliver on our Action Plan described during the December 6, 2022, hearing before this Committee. We continue to make meaningful progress against our Action Plan, including (a) issuing weekly “SAHPR Moment” emails that re-enforce training, communicate updates, and highlight resources; (b) implementing an ASC program-wide Engagement Survey; (c) setting up an ASC SAHPR Action Team to review and talk real-time about SAHPR program needs; and (d) updating policies to better address community incidents specific to deployed personnel.
 - We hold monthly incident reviews during which Leidos management meets with HR and Contracts to review each reported incident and the associated resolution. We have updated our HR reporting policies.
 - We made appropriate leadership changes, including the ASC Program Manager and ASC Operations Manager positions.
- Subcontracts
 - Our Leidos Civil Group President issued letters to the senior leadership of the ASC subcontractor organizations referenced in the SAHPR Report to emphasize the need to increase efforts to prevent sexual harassment and assault from occurring in Antarctica by adopting a zero tolerance approach to sexual harassment and assault, taking appropriate disciplinary action towards offenders, ensuring deployed employees are familiar with available reporting channels and understand they will not be retaliated against if they do make a report, and notifying Leidos immediately of any investigation related to sexual harassment or assault. The letter made clear that all subcontractors will be held accountable and to the same standards and that there will be consistent reporting and accountability across the contract.
 - We requested and received a signed letter of commitment from the subcontractors named in the SAHPR Report articulating their dedication to the actions Leidos is taking to improve the on-ice environment.
 - We established a bi-weekly Sexual Assault/ Harassment Prevention and Response working group with our subcontract team to ensure a collaborative approach to improving the on-ice environment as well as to conduct routine oversight of our subcontractors.

- We refocused the HR Consortium, made up of HR personnel from Leidos and each ASC subcontractor, to ensure appropriate participation. HR Consortium members made a commitment for the coming season to visit all the work centers on ice to counter the perception that they are unknown/unreachable, and to engage with employees.
- We created a common intake form to be used by all ASC contractors for receiving and sharing information regarding any SAHPR related complaints. We regularly work with subcontractors to ensure they are reporting and investigating allegations as expected and in line with ASC policies, procedures, and definitions. We have seen improvement by the consistent response to allegations, to include removing confirmed harassers from contract, regardless of the position they held.
- We reviewed the terms and conditions in our ASC subcontracts to ensure inclusion of FAR 52.203-13 as well as the language NSF required via modification number 136 issued in response to the June 2022 SAHPR Report. NSF's language includes the 3-year on-ice ban for those alleged of committing sexual harassment or assault; ensuring pre-deployment screening to ask potential employees if they have been disciplined for incidents of sexual harassment or assault, or quit before being disciplined within the past three years; updating each subcontract's Incident Reporting requirement to include reports of sexual harassment and assault; and including a new quarterly reporting requirement for sexual harassment and assault matters involving ASC program personnel. In addition, we have asked our subcontractors to review all prior allegations and report to Leidos, even if closed as unsubstantiated.
- We ensured SAHPR-related training requirements are included in contractual requirements in our subcontracts.
- We have adopted the LDSS definition for sexual harassment and sexual assault to ensure all ASC contractors are assessing and investigating allegations in a consistent manner (as much as possible) and so that our training materials, HR language, and contractual terms are consistent.
- We reviewed subcontractors' policies and procedures related to preventing and responding to sexual harassment and assault. In addition, Leidos requested that subcontractors provide timely updates to such policies and procedures to ensure consistency with ASC requirements.
- If someone on ice does violate the Polar Code of Conduct (including by committing sexual harassment or assault), Leidos has the contractual ability to request their immediate removal from the program/ice, and we have invoked this clause on several occasions.


- Changing Culture
 - We started “Coffee and Inclusive Conversation” sessions to hear employees’ concerns and ideas.
 - We created “SAHPR Moment” emails issued weekly to all ASC participants, as well as electronically posted to share SAHPR-related tips, information, reminders, and training information.
 - We reviewed and updated our harassment prevention training.

We recognize that more changes are necessary to continue to reduce the occurrence of sexual harassment and assault incidents in Antarctica and achieve a culture of zero tolerance. Leidos will continuously work to identify ways to advance the safety of personnel on-ice and to partner with NSF on this important topic.

Sincerely,



James R. Moos
President, Civil Group
Leidos, Inc.



Maureen Waterston
Chief Human Resources Officer
Leidos, Inc.



Attachment: May 5, 2023, Leidos letters to ASC employees and to ASC subcontractors

Attachment

From: DoNotReply, ASC Comms <ASCCommsDoNotReply@usap.gov>

Sent: Friday, May 5, 2023 10:29 AM

Subject: Regarding NSF OIG Investigation



FROM THE PROGRAM DIRECTOR



Colleagues,

As many of you know, the NSF Office of Inspector General (OIG) is conducting an investigation to determine what measures NSF has taken, or is developing, for sexual harassment and assault prevention, reporting, and response and to determine whether these measures are effective. In February, the OIG held open office hours in McMurdo to hear from individuals, and OIG plans to visit our Denver Antarctic Support Contract (ASC) office on May 15 and 16 to meet with more people. It is possible the OIG will visit other ASC locations in the future.

I would like to take this opportunity to reiterate the important role played by the OIG, as well as each of our roles in facilitating its important mission.

Please remember that all ASC contractors, per the terms of their contracts, are required to cooperate fully with government investigations, including the on-going OIG investigation. Leidos takes seriously the obligation to create a safe workforce on the ASC program, and shares OIG's core value to protect NSF employees, contractors, and grantees who step forward to identify potential wrongdoing. As such, not only do we expect complete cooperation from our employees and partners with OIG inspectors, but we also urge employees on the ASC program to raise any concerns about wrongdoing as they arise. Additionally, you can always report any concerns anonymously through the OIG's hotline at <https://oig.nsf.gov/contact/hotline>.

Respectfully,

Alexandra Guenther

Alexandra Guenther

ASC Program Director, Leidos



From: ASC Program Director, Leidos
To: Program Managers, ASC Teammates
Date: May 5, 2023

As you may be aware, the National Science Foundation (NSF) Office of Inspector General (OIG) is “conducting an inspection to determine what measures NSF has taken, or is developing, for sexual harassment and assault prevention, reporting, and response and to determine whether these measures are effective.” NSF informed everyone working at the McMurdo Station of this inspection via a February 5, 2023 email. In February, the OIG held open office hours in McMurdo to hear from individuals, and OIG plans to meet with more people in the Denver Antarctic Support Contract (ASC) Office on May 15 and 16.

I write to request that you make clear with your ASC employees that cooperation with the OIG’s inspection is required. FAR 52.203-13 is incorporated into your contracts with Leidos and it requires “Full cooperation with any Government agencies responsible for audits, investigations, or corrective actions.” This OIG inspection is a type of investigation, such that cooperation is contractually required. Therefore, if the OIG requests to meet with your employees, please accommodate that request and facilitate the scheduling of such meetings.

The OIG’s work is not limited to an audit of NSF or Leidos. It’s an inspection of the overall efforts put into place to address the SAHPR concerns. I am sure you take seriously your obligation to create a safe workplace for your employees on the ASC program and share our core value to protect NSF employees, contractors, and grantees who step forward to identify potential wrongdoing. All entities, whether NSF, contractors, grantees, or others, should cooperate with the OIG for purposes of helping ensure Antarctica is a safe place to live and work. Not only do we expect complete cooperation from all ASC partners and their employees with OIG inspectors, but we also urge employees on the ASC program to raise any concerns about wrongdoing as they arise. Additionally, your employees can always report any concerns anonymously through the OIG’s hotline at <https://oig.nsf.gov/contact/hotline>.

Thank you for providing this guidance to your ASC employees. I am sharing a similar message via email to all ASC employees. Employees will also receive reminders via other channels, including SAHPR Moments.

Respectfully,

Alexandra Guenther

ASC Program Director, Leidos