



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**OFFICE OF INSPECTOR GENERAL**  
WASHINGTON, DC 20201



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**MEMORANDUM**

TO: Sean O'Neill, DOJ OIG AIG/ Oversight and Review Division  
Lara M. Peirce, DOJ OIG Senior Counsel to AIG for Oversight and  
Review Division

FROM: (b)(6); (b)(7)(C) OCIG Advice Branch Chief  
(b)(6); (b)(7)(C) OCIG Deputy Branch Chief  
(b)(6); (b)(7)(C) OCIG Senior Counsel

CC: (b)(6); (b)(7)(C) Chief Counsel

RE: Administrative Investigation of Allegations of (b)(6); (b)(7)(C) Harassment (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) Against Former FBI Associate Deputy Director Jeffrey  
Sallet While He Was the Executive Assistant Director of Human Resources  
During March 2020 to February 2021.

**Executive Summary**

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation based on allegations that former Federal Bureau of Investigation (FBI) Associate Deputy Director Jeffrey Sallet (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

The events at issue allegedly occurred between March 2020 and February 2021 when Sallet was the Executive Assistant Director of the Human Resources Branch and (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

directly reporting to him.

The complaint alleged that Sallet had engaged in actions (b)(6); (b)(7)(C) considered to be (b)(6); (b)(7)(C) harassing (b)(6); (b)(7)(C) Administrative investigative activity included: interviewing six witnesses under oath including Sallet and (b)(6); (b)(7)(C) reviewing

documents provided by (b)(6); (b)(7)(C) and Sallet; analyzing DOJ and FBI policies; reviewing documents produced in response to document requests issued to the FBI; and reviewing documents located by search of Sallet's work emails.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

There appeared to

be sufficient information to support a finding that five of the substantiated actions constituted “harassing conduct” as broadly defined in the DOJ memorandum titled Prevention of Harassment in the Workplace issued by the Attorney General on October 9, 2015, which is part of DOJ’s “Zero Tolerance Policy.” The DOJ Zero Tolerance Policy’s definition of “harassing conduct” did not limit prohibited workplace misconduct to only those situations where the high Title VII threshold of proving that the harassment was “severe or pervasive” had been met. There also existed enough information to support a finding that the same substantiated conduct and several additional substantiated actions amounted to “unprofessional conduct – on duty” as explained in the FBI Offense Code. There also appeared to be sufficient information to support a finding, based on some of the substantiated “harassing conduct” and “unprofessional conduct – on duty,” that Sallet did not adhere to the FBI Ethics and Integrity Program Policy Guide regarding his supervisory relationship with (b)(6); (b)(7)(C) in that he did not act professionally and courteously or conduct himself in a manner that recognized her dignity.

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<sup>1</sup> Unless otherwise noted, the preponderance of the evidence standard is applied.

<sup>2</sup> (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)



Sallet left the FBI and federal service while this investigation was ongoing.

## I. INTRODUCTION

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this administrative investigation based on allegations that former Federal Bureau of Investigation (FBI) Associate Deputy Director (ADD) Jeffrey Sallet (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

In April 2022, the Department of Health and Human Services (HHS) OIG took over the investigation at DOJ OIG's request due to a potential conflict of interest.

From March 2020 to February 2021, the FBI employed Sallet as the Executive Assistant Director of the Human Resources Branch. During that time period, (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Despite the COVID-19 pandemic, both (b)(6); (b)(7)(C) and Sallet worked primarily in person at FBI Headquarters between March 2020 and February 2021. The FBI promoted Sallet to Associate Deputy Director in February 2021 (b)(6); (b)(7)(C)

On June 13, 2021, (b)(6); (b)(7)(C) submitted a complaint to DOJ OIG, alleging Sallet (b)(6); (b)(7)(C) harassed her while she was his direct report (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

also submitted her complaint to the FBI's Inspection Division's Internal Affairs Section on July 8, 2021.

Section II of this report provides background information, including a description of significant individuals, the methodology, and a discussion of the relevant laws and policies. Section III contains an analysis of the evidence gathered during the investigation and provides the findings related to the allegations against Sallet. Finally, Section IV sets forth the conclusion.

## **II. BACKGROUND**

### **a. Significant Individuals**

#### **i.**

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

#### **ii. Jeffrey Sallet**

Sallet began working at the FBI in July 1997. After Sallet graduated from Special Agent training in November 1997, the FBI assigned him to the New York Division. Sallet held many different positions, including Supervisory Special Agent in Headquarters, Supervisory Senior Resident Agent in the Providence Resident Agency, Special Agent in Charge in the Boston Division, Section Chief of Public Corruption and Civil Rights at Headquarters, Special Agent in Charge in the New Orleans Division, Special Agent in Charge in the Chicago Division, and Associate Executive Assistant Director of the Finance and Facilities Division.

The FBI promoted Sallet to Executive Assistant Director of the Human Resources Branch in March 2020. Sallet became the Associate Deputy Director in February 2021, and left the FBI and federal service in January 2022.



(b)(5); (b)(7)(C)

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(b)(6); (b)(7)(C)



## **b. Methodology**

On July 13, 2021, DOJ OIG notified Sallet - via the FBI's Inspection Division - that he was the subject of an OIG investigation into allegations that he "engaged in inappropriate conduct, including (b)(6); (b)(7)(C) harassment (b)(6); (b)(7)(C) while serving as the Executive Assistant Director of the Human Resources Branch." Sallet signed the Notification the same day.

During the course of this investigation, DOJ OIG interviewed (b)(6); (b)(7)(C) 7/15/21 and 9/16/21), Sallet (10/20/21 and 10/26/21), (b)(6); (b)(7)(C) (10/25/21), (b)(6); (b)(7)(C) (9/29/21 and 10/1/21), and (b)(6); (b)(7)(C) (10/5/21). HHS OIG interviewed (b)(6); (b)(7)(C) (12/9/22). All interviews were conducted under oath and transcribed by a court reporter.

On October 7, 2021, DOJ OIG sent a Request for Production of Documents and

Information to the FBI's Inspection Division requesting the following:

(b)(6); (b)(7)(C)





DOJ OIG also sent the following documents to HHS OIG for this investigation:



- Lynch Memo re Prevention of Harassment in the Workplace dated October 9, 2015 (DOJ)



- FBI Harassment Policy Directive dated October 31, 2018



On October 31, 2022, HHS OIG sent a Request for Production of Documents and Information to the FBI's Inspection Division requesting the following:



(b)(6); (b)(7)(C)

The FBI provided the following responsive documents:

(b)(6); (b)(7)(C)

DOJ OIG secured Sallet's government issued phones and the hard drive from his government issued laptop. Review of the three phones showed that only one was active during the relevant time frame of March 2020 to February 2021. That phone was searched for text messages and phone call activity to and from the personal cell phones of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Those searches yielded 87 pages of unclassified responsive documents.

(b)(6); (b)(7)(C) provided notes of comments allegedly made by Sallet, notes of events allegedly involving Sallet, screen shots of text messages between herself and Sallet on their personal phones, and emails and documents related to events allegedly involving Sallet. (b)(6); (b)(7)(C) also provided the following policies:

(b)(6); (b)(7)(C)

(b)(5); (b)(7)(C)



Sallet provided emails between himself and

(b)(5); (b)(7)(C)



(b)(5); (b)(7)(C)



(b)(5); (b)(7)(C)



(b)(6); (b)(7)(C)

**b) FBI Harassment Policy Directive**

The FBI Harassment Policy Directive prohibits harassment, which it defines as “unwelcome verbal, nonverbal, written, or physical conduct by a supervisor or a coworker that is based on race, color, religion, sex (including gender identity, sexual orientation, pregnancy, and sexual harassment), national origin, age, disability, parental status, genetic information, or retaliation for prior equal employment opportunity (EEO) activity, and it constitutes unlawful discrimination that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.”

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Regarding consequences for an individual that an investigation determines engaged in any form of harassment, the Directive states: “Disciplinary action in relation to harassment is determined on a case-by-case basis and is based on the FBI Offense Codes and Penalty Guidelines governing the FBI’s internal disciplinary process. Disciplinary penalties may range from oral reprimand to dismissal from the rolls of the FBI.”

**c) Lynch Memo re Prevention of Harassment in the Workplace**

The Memorandum for All Department of Justice Employees from Attorney General Loretta Lynch regarding Prevention of Harassment in the Workplace dated October 9, 2015 (Policy Memorandum #2015-04) (Lynch Memo) defines “[h]arassing conduct” as “... any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.”<sup>3</sup> The Lynch Memo states, “... the Department will treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment.” The

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<sup>3</sup> The “above-referenced characteristics” are outlined in the preceding paragraph of the Lynch Memo, which states: “I want to take this opportunity to reiterate the Department of Justice policy of maintaining a work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other impermissible factor.”



Lynch Memo is incorporated by reference in the Memorandum for Heads of Department Components from Assistant Attorney General for Administration Lee Lofthus regarding Sexual Harassment and Sexual Misconduct dated April 30, 2018. Pursuant to DOJ OIG, collectively, these documents are referred to within DOJ as its “Zero Tolerance Policy.”

(b)(6); (b)(7)(C)



**ii. Improper Conduct/ Unprofessional Conduct/ Conduct Unbecoming**

**a) FBI Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process**

In the FBI Offense Code, “Unprofessional Conduct – On Duty” is defined as “[e]ngaging in conduct, while on duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee; or compromises the standing of the employee among his peers or his community.” FBI Offense Code 5.22. The Penalty Guidelines state the standard penalty for Unprofessional Conduct – On Duty is a seven calendar day suspension. Id. The mitigated penalty ranges from a Letter of Censure to a five calendar day suspension and the aggravated penalty ranges from a ten calendar day suspension to removal. Id.

## **b) Merit Systems Protection Board (MSPB) Case Law**

While not necessarily applicable for jurisdictional reasons to Sallet, MSPB case law is analyzed for guidance on the allegation of unprofessional conduct in federal employment. A charge of “improper conduct,” “conduct unbecoming,” or “unprofessional conduct” does not have specific elements of proof, but is established by proving that the employee committed the acts alleged in support of the charge. Hollingsworth v. Dep’t of the Air Force, 121 M.S.P.R. 397 (2014); Scheffler v. Dep’t of the Army, 117 M.S.P.R. 499, 502 (2012); Social Security Administration v. Long, 113 M.S.P.R. 190 (2010), aff’d, 635 F.3d 526 (Fed. Cir. 2011). The agency also must prove that the conduct was unattractive, unsuitable, or detracted from the employee’s character or reputation. Miles v. Dep’t of the Army, 55 M.S.P.R. 633, 637 (1992). Conduct may be deemed unsuitable and detracting from an employee's reputation if it reflects poor judgment on the part of the employee. Id. Unless specified in the charge, the agency is not required to show intent or that the conduct in question actually embarrassed the agency. Crouse v. Dep’t of the Treasury, 75 M.S.P.R. 57, 63 (1997). In a conduct unbecoming charge, an agency can hold a supervisor to a higher standard of behavior than other employees. Ray v. Dep’t of the Army, 97 M.S.P.R. 101 (2004), aff’d, 176 Fed. Appx. 110 (Fed. Cir. 2006). In addition, law enforcement officers may be held to a higher standard of conduct than other employees. O’Lague v. Dep’t of Veterans Affairs, 123 M.S.P.R. 340, 350 (2016), aff’d, 698 Fed. Appx. 1034 (Fed. Cir. 2017).

For example, MSPB Administrative Judges have found the following behavior sufficient to support a specification of a charge of unprofessional conduct:

- Supervisor asked subordinate about her personal life and dating habits and whether she had children (Wyatt v. U.S. Postal Service, 2019 MSPB LEXIS 3144, \*41-43 (Aug. 23, 2019));

- Supervisor made derogatory comments to a subordinate about another subordinate's performance (Lucero v. Small Business Administration, 2018 MSPB LEXIS 2556, \*53-56 (July 9, 2018));
- Employee made comments to intern about her appearance, clothing, and dating habits (Bailey v. Dep't of Commerce, 2009 MSPB LEXIS 539, \*3-7 (Jan. 27, 2009)); and
- Employee asked supervisor if she was dating anyone and what type of men she preferred (DeLeon v. Dep't of Homeland Security, 2008 MSPB LEXIS 2501, \*15-16 (May 2, 2008)).

(b)(6); (b)(7)(C)



(b)(6); (b)(7)(C)



(b)(6); (b)(7)(C)





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(b)(6); (b)(7)(C)



(b)(6); (b)(7)(C)



### III. ANALYSIS OF EVIDENCE AND FINDINGS

#### a. Harassment Allegations

##### i. June 2020 Comment About Joining Texas Friend's Harem

(b)(6); (b)(7)(C) alleged, in June 2020, Sallet was talking about his plans for July Fourth, which included flying to Colorado on the private jet of his Texas oil billionaire friend. (Google Journaling Notes, p. 6; 7/15/21 PM Tr. 16). (b)(6); (b)(7)(C) made a comment along the lines of “it must be nice to have really wealthy friends.” (Id.). In response to (b)(6); (b)(7)(C) comment, Sallet allegedly said “if you want me to, I can call him and you can join his harem.” (5/26/21 email from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) Google Journaling Notes, p. 6; Complaint; 7/15/21 PM Tr. 16-17).

Sallet recalled the July Fourth trip. (10/20/21 JS Tr. 84-85). Sallet did not recall (b)(6); (b)(7)(C) saying anything like “it must be nice to have really wealthy friends.” (Id. at 85). Sallet did not recall saying to (b)(6); (b)(7)(C) “if you want me to, I can call him and you can join his harem.” (Id.). Sallet stated it is possible he said something like that to (b)(6); (b)(7)(C) because he has joked before about his friend having a harem. (Id.). According to Sallet, he was part of his friend’s harem. (Id.). The harem is “like an entourage” of men and women and it had no sexual connotation in Sallet’s mind. (Id. at 85, 87).

(b)(6); (b)(7)(C) recalled discussion of this visit by Sallet with a friend and the private jet. (12/9/22 SJ Tr. 40). (b)(6); (b)(7)(C) did not recall Sallet saying to (b)(6); (b)(7)(C) “if you want me to, I can call him and you can join his harem.” (Id.). However, something about the comment – particularly the word “harem” – sounded familiar to (b)(6); (b)(7)(C) (Id. at 40-41). (b)(6); (b)(7)(C) did not think that comment sounded like something Sallet would say, other than perhaps as a bad joke. (Id. at 41-42).

The evidence shows it is more likely than not that Sallet told (b)(6); (b)(7)(C) he could call his friend so she could join his harem.



(b)(6); (b)(7)(C)

### iii. Summer 2020 Personal Cell Phone Messages

(b)(6); (b)(7)(C) alleged, between June 15 and August 27, 2020, Sallet sent texts to her personal cell phone. (Google Journaling Notes, p. 5; 7/15/21 PM Tr. 14). According to (b)(6); (b)(7)(C) Sallet would text pictures of his dog because he knew she liked dogs and send messages such as that he would take her with him when he retired from the FBI. (Id.). (b)(6); (b)(7)(C) alleged that she would respond briefly, but did not want to encourage conversation. (Id.). On August 27 (b)(6); (b)(7)(C) allegedly texted Sallet to say that he should contact her on her work phone if he needed anything. (Google

Journaling Notes, pp. 5-6; 7/15/21 PM Tr. 14). Sallet allegedly sent some text messages to (b)(6); (b)(7)(C) personal phone after August 27. (Google Journaling Notes, p. 6; 7/15/21 PM Tr. 14).

(b)(6); (b)(7)(C) provided 12 pages of screen shots of text messages between her personal cell phone and Sallet's personal cell phone. (Text Message Screen Shots). Those messages span June 15, 2020 to January 30, 2021. As discussed above, the June 2020 messages are about Quantico class dates. Sallet sent (b)(6); (b)(7)(C) pictures of his dog on July 29 and 31 and August 20. The text messages on July 31 also refer to not upgrading certain employees due to budget issues. The text messages on August 27 refer to a conversation between Sallet and (b)(6); (b)(7)(C) about how he expects (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to be treated. In the August 27 text messages, (b)(6); (b)(7)(C) stated "I'll be on my Samsung if you need anything," referring to her FBI-issued phone.

On January 30, 2021, Sallet texted (b)(6); (b)(7)(C) that he had been asked who he was taking to his new job. Sallet texted "I wish I could take all of u! U r awesome!" (b)(6); (b)(7)(C) responded "Thank you, I appreciate that. We still technically work for you." Sallet then texted "Well if you are staying beyond April u are welcome anywhere I am in Bu or private sector." (b)(6); (b)(7)(C) responded "Thank you!"

Sallet thought he might have sent (b)(6); (b)(7)(C) one or two text messages on her personal cell phone. (10/20/21 JS Tr. 35, 37). Per Sallet, (b)(6); (b)(7)(C) never asked him to stop texting her on her personal cell phone. (*Id.* at 39).

Sallet called and texted (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) personal cell phone. (12/9/22 SJ Tr. 46). (b)(6); (b)(7)(C) did not recall Sallet sending any photos to his personal cell phone, but Sallet may have sent news article links. (*Id.* at 46-47). (b)(6); (b)(7)(C) recalled being on a group text message chat to coordinate a dinner which included (b)(6); (b)(7)(C) (*Id.* at 47).

The evidence shows that Sallet sent text messages from his personal cell phone to (b)(6); (b)(7)(C)

personal cell phone and some of those text messages were not work related.<sup>4</sup>

**iv. November 17, 2020 Disciplinary Review Board Conference Call Location Question**

(b)(6); (b)(7)(C) alleged, during work-related travel in Boston on November 17, 2020, Sallet said to her “Where are we doing this – in your hotel room or mine?” in reference to where he and (b)(6); (b)(7)(C) would be when participating in the upcoming Disciplinary Review Board (DRB) conference call that day. (5/26/21 email to (b)(6); (b)(7)(C) Complaint; 7/15/21 PM Tr. 42-43). This allegedly occurred in the car with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) while (b)(6); (b)(7)(C) was dropping off Sallet and (b)(6); (b)(7)(C) at their hotel before taking (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to the airport. (*Id.*). While (b)(6); (b)(7)(C) and Sallet were on the escalator to the hotel lobby, Sallet allegedly stated “I can move the clothes off of my bed.” (5/26/21 email to (b)(6); (b)(7)(C) Complaint; 7/15/21 PM Tr. 44). (b)(6); (b)(7)(C) and Sallet participated in the conference call from a catering closet that (b)(6); (b)(7)(C) set up with a small table and two chairs from the hotel lobby. (5/26/21 email to (b)(6); (b)(7)(C) Complaint; 7/15/21 PM Tr. 45). Later that day, (b)(6); (b)(7)(C) allegedly told (b)(6); (b)(7)(C) that he had talked to (b)(6); (b)(7)(C) about the uncomfortableness of Sallet’s comment in the car. (5/26/21 email to (b)(6); (b)(7)(C) Complaint; 7/15/21 PM Tr. 47).

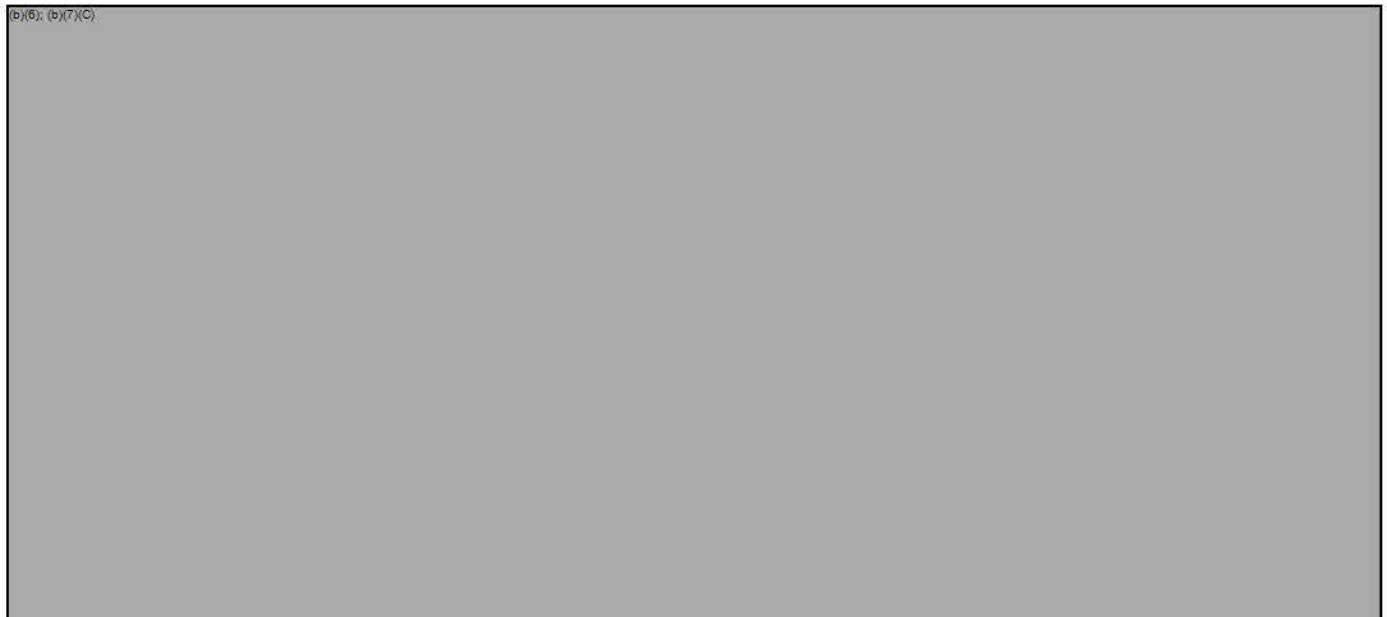
Sallet recalled participating on a conference call with (b)(6); (b)(7)(C) during the November 2020 trip to Boston. (10/20/21 JS Tr. 111). Sallet did not recall where the call occurred, but he thought it was in either his hotel room or a conference center. (*Id.* at 111-12). Sallet did not recall saying that he could move the clothes off his bed or (b)(6); (b)(7)(C) saying she did not want to have the call in his room. (*Id.* at 112-13). Sallet had (b)(6); (b)(7)(C) come to his hotel room for calls and did not think it would have been strange or odd for (b)(6); (b)(7)(C) to be in his hotel room. (*Id.*).

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<sup>4</sup> The search of Sallet’s government issued cell phone showed no texts or calls to or from (b)(6); (b)(7)(C) personal cell phone.

(b)(6); (b)(7)(C) recalled there being a discussion between Sallet and (b)(6); (b)(7)(C) at a hotel about a virtual meeting during a work trip to Boston. (12/9/22 SJ Tr. 24-25). (b)(6); (b)(7)(C) recalled that Sallet had asked (b)(6); (b)(7)(C) if she wanted to meet in his hotel room to attend the virtual meeting. (Id. at 25, 27-28, 50-51). (b)(6); (b)(7)(C) perceived that (b)(6); (b)(7)(C) was uncomfortable with Sallet's suggestion. (Id. at 27-29). (b)(6); (b)(7)(C) later circled back with (b)(6); (b)(7)(C) to find out how the meeting had gone. (Id. at 29-30). (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that she had found a conference room or business center for the meeting. (Id. at 30, 51). (b)(6); (b)(7)(C) did not recall (b)(6); (b)(7)(C) telling him about any other discussion between herself and Sallet regarding the meeting location. (Id.). (b)(6); (b)(7)(C) did not recall talking to (b)(6); (b)(7)(C) about this instance or telling (b)(6); (b)(7)(C) that he had. (Id. at 30). (b)(6); (b)(7)(C) has attended virtual meetings from Sallet's hotel room and did not think Sallet's suggestion was "out of the ordinary." (Id. at 27, 31). This is the only instance (b)(6); (b)(7)(C) recalled (b)(6); (b)(7)(C) being uncomfortable with Sallet.<sup>5</sup> (Id. at 34, 83).

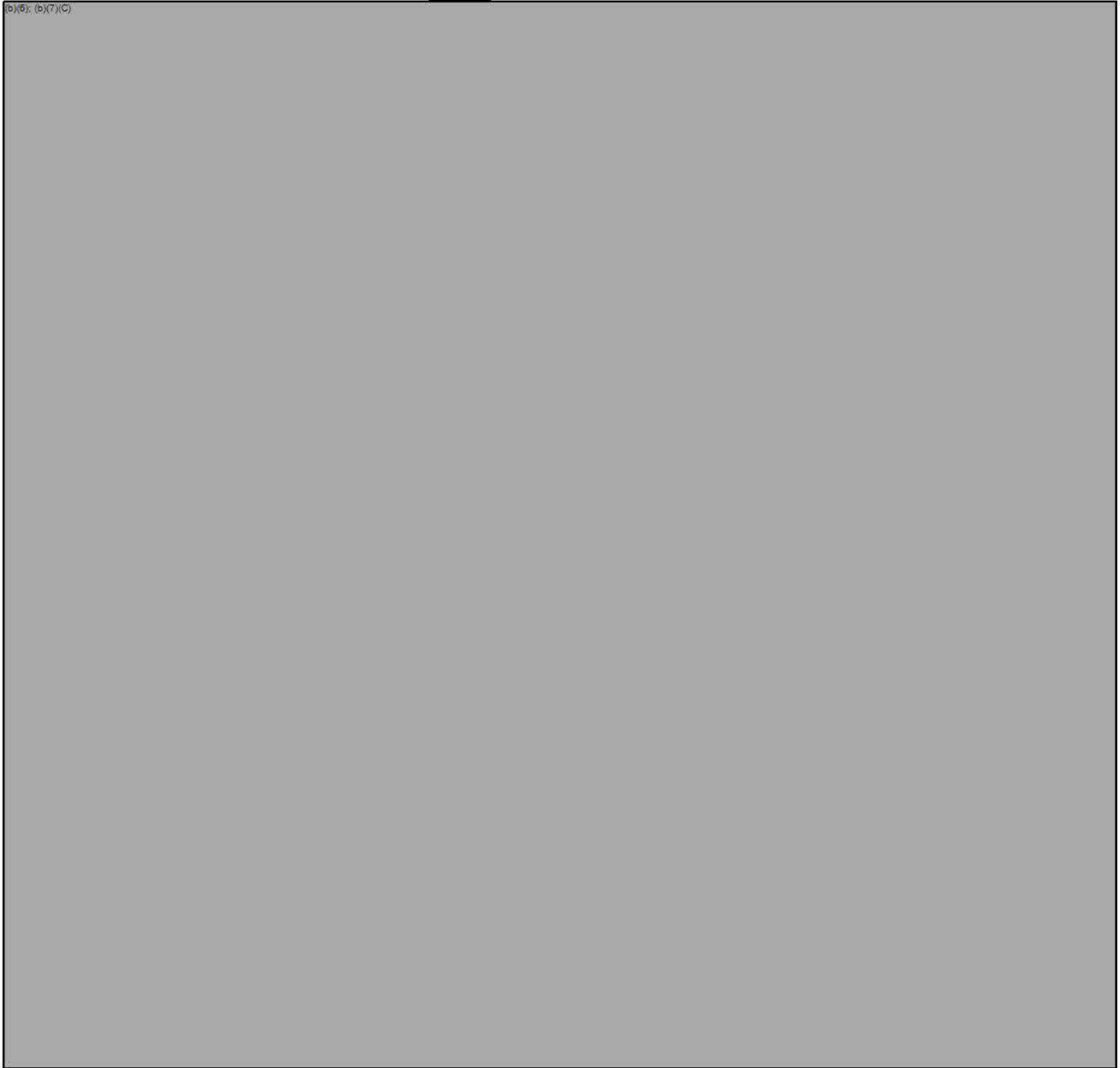
The evidence shows that Sallet suggested to (b)(6); (b)(7)(C) that they attend the DRB conference call from his hotel room, but they did not ultimately participate in the call from his hotel room.



<sup>5</sup> In the summer of 2021, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) she believed Sallet had (b)(6); (b)(7)(C) harassed her and (b)(6); (b)(7)(C) had been present for one or more instances of harassment. (12/9/22 SJ Tr. 18-19). (b)(6); (b)(7)(C) did not specify any behavior of Sallet's as harassing. (Id. at 19). (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) he was sorry and he had not seen harassment. (Id. at 19, 157).



(b)(6); (b)(7)(C)



**vi. December 2020 Comment About TV Anchorman Being Boyfriend**

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) alleged, in a December 2020 morning team meeting, Sallet asked her if she thought the California Congressman on the TV was attractive. (July 17, 2021 email to DOJ OIG). When

(b)(6); (b)(7)(C) turned around to look at the TV, the screen was split and showing the news anchor - not the

Congressman - whom [REDACTED] stated in response was “socially attractive.” (Id.). Sallet [REDACTED] and [REDACTED] all laughed at [REDACTED] mistake. (Id.). [REDACTED] alleged that Sallet referred to the news anchor as [REDACTED] boyfriend or [REDACTED] type in subsequent meetings. (Id.).

Sallet recalled [REDACTED] spontaneously stating a CNN anchorman was attractive during a meeting in his office when the television was on. (10/20/21 JS Tr. 72). Sallet then joked the anchorman was [REDACTED] boyfriend. (Id. at 73). Sallet may have joked that the anchorman was [REDACTED] boyfriend a couple more times when the anchorman was on TV. (Id. at 74). Sallet did not recall [REDACTED] telling him to stop referring to the anchorman as her boyfriend. (Id. at 75).

[REDACTED] recalled a short conversation about whether someone on television was attractive or not. (12/9/22 SJ Tr. 63-69). [REDACTED] would have looked over her left shoulder to see the television. (Id. at 65-66). [REDACTED] recalled [REDACTED] offering her opinion about the person’s attractiveness (“I think he’s good looking”), not Sallet asking [REDACTED] opinion. (Id. at 63-65, 68). [REDACTED] recalled a short conversation involving laughter and Sallet asking [REDACTED] if the person on television was her type. (Id. at 67-68). To [REDACTED] did not seem to be uncomfortable with the conversation. (Id. at 67). [REDACTED] did not recall the conversation turning into a repeated joke. (Id. at 68-69). [REDACTED] did not recall Sallet ever saying anything about his or [REDACTED] type or girlfriend/boyfriend. (Id. at 70).

[REDACTED] recalled Sallet asking [REDACTED] in a morning meeting, whether the CNN anchorman was her type and going on to describe the anchorman’s features. (10/25/21 TT Tr. 37). [REDACTED] was not facing the TV so had to turn around to see who Sallet was talking about. (Id. at 43). [REDACTED] recalled [REDACTED] putting her foot on [REDACTED] foot to signal [REDACTED] to change the subject, and it was clear from [REDACTED] face she was uncomfortable with the conversation. (Id. at 37-38). [REDACTED] did not recall [REDACTED] ever saying she thought someone was attractive or her type. (Id. at 44). [REDACTED] did not recall Sallet ever saying anything about her or [REDACTED] type or boyfriend/girlfriend. (Id. at

45).

The evidence shows that Sallet referred to the anchorman as [REDACTED] boyfriend on one occasion. The evidence shows it is more likely than not that Sallet referred to the anchorman as [REDACTED] boyfriend more than one time.

**vii. January 6, 2021 Dating Comments**

[REDACTED] alleged, in Sallet's office on January 6, 2021, she looked out the window to see the crowds of people on Pennsylvania Avenue and commented on the large number of people and flags. (7/15/21 PM Tr. 55-56). Sallet allegedly turned to her and said "How many of those guys are you thinking you'd like to date? That's your type isn't it?" (5/26/21 email to [REDACTED] Google Journaling Notes, p. 1; Complaint; 7/15/21 PM Tr. 56).

Sallet did not recall saying those questions to [REDACTED]<sup>6</sup> (10/20/21 JS Tr. 78). Sallet did not recall asking [REDACTED] about her dating habits. (*Id.* at 71-72).

[REDACTED] did not recall Sallet asking [REDACTED] about her dating habits in his presence, and stated that he had no idea what was going on in [REDACTED] personal life. (12/9/22 SJ Tr. 74-75).

[REDACTED] recalled that there was "a whole conversation on [REDACTED] type." (10/25/21 TT Tr. 36).

[REDACTED] recalled [REDACTED] telling her that Sallet made a lot of comments about her dating life such as who would she date, who did she like, and who does she think is attractive. (9/29/21 HT Tr. 46).

The evidence shows it is more likely than not that Sallet made comments to [REDACTED] about her dating habits.

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<sup>6</sup> Sallet initially stated "I absolutely did not say that." (10/20/21 JS Tr. 78).

**viii. January 13, 2021 Barefoot and Pregnant and Banging Out Children Comments**

(b)(6); (b)(7)(C) alleged, during the January 13, 2021 afternoon team briefing, Sallet stated (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) is so upset with you because you're not barefoot and pregnant and you haven't banged out five children yet." (5/26/21 email to (b)(6); (b)(7)(C) Google Journaling Notes, p. 1; Complaint; 7/15/21 PM Tr. 59-60).

Sallet did not recall saying anything about being barefoot and pregnant or about banging out five children. (10/20/21 JS Tr. 81-82). Sallet recalled (b)(6); (b)(7)(C) saying that (b)(6); (b)(7)(C) was disappointed that (b)(6); (b)(7)(C) was not a stay-at-home mom. (Id. at 81).

(b)(6); (b)(7)(C) did not recall Sallet saying anything to (b)(6); (b)(7)(C) about being barefoot and pregnant or about banging out five children. (12/9/22 SJ Tr. 77-80).

(b)(6); (b)(7)(C) recalled Sallet saying to (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) must be disappointed that (b)(6); (b)(7)(C) was not barefoot and pregnant. (10/25/21 TT Tr. 50). (b)(6); (b)(7)(C) did not recall Sallet saying that (b)(6); (b)(7)(C) must be upset that (b)(6); (b)(7)(C) has not banged out five children. (Id.).

The evidence shows it is more likely than not that Sallet stated to (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) must be disappointed (b)(6); (b)(7)(C) was not barefoot and pregnant.

(b)(6); (b)(7)(C)



(b)(6); (b)(7)(C)

**x. January 22, 2021 Story About New Orleans Division**

(b)(6); (b)(7)(C) alleged, during a January 22, 2021 meeting with the Performance Appraisal Unit (PAU), Sallet told a story about an agent who “slapped a girl on the ass” and followed around a younger contractor. (Google Journaling Notes, p. 1; Complaint; 7/15/21 PM Tr. 64-65). Regarding the agent, Sallet stated “the guy was a dick.” (Google Journaling Notes, p. 1; Complaint; 7/15/21 PM Tr. 65).

Sallet recalled telling this story, but not specifically in this meeting. (10/20/21 JS Tr. 57-60). According to Sallet, it was possible that he used the words “ass” and “dick,” but he did not recall. (*Id.* at 58-59). Sallet was bothered that the agent only received a three-day suspension for his egregious conduct. (*Id.* at 59-60).

(b)(6); (b)(7)(C) did not recall Sallet telling this story in a PAU meeting. (12/9/22 SJ Tr. 85). (b)(6); (b)(7)(C) did not remember being in a meeting where Sallet said an agent was a “dick,” but he could see Sallet saying that. (*Id.*). (b)(6); (b)(7)(C) did not attend PAU meetings regularly because (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) (Id. at 83-84).

(b)(6); (b)(7)(C) recalled Sallet talking about an agent in New Orleans and referring to the agent as a “dick.” (10/25/21 TT Tr. 87-88).

The evidence shows it is more likely than not that Sallet told a story about an agent in New Orleans and used the word “dick” when referring to the agent.

**xi. January 22, 2021 Comments About** (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) alleged, during the January 22, 2021 meeting with the PAU, Sallet referenced a (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) (Google Journaling Notes, p. 1; Complaint; 7/15/21 PM Tr. 65). Sallet also allegedly stated that sexual harassment is “a society issue.” (Id.).

Sallet may have described (b)(6); (b)(7)(C) as “not somebody who would be attractive generally” in relation to sexual harassment issues. (10/20/21 JS Tr. 45). According to Sallet, (b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) (Id. at 45-46). Sallet had joked for a long time that people do not get better looking when they go overseas and other people are looking for information or favors. (Id. at 45).

(b)(6); (b)(7)(C) did not remember Sallet calling (b)(6); (b)(7)(C) or saying anything negative about (b)(6); (b)(7)(C) appearance or performance.<sup>7</sup> (12/9/22 SJ Tr. 86). (b)(6); (b)(7)(C) also did not recall Sallet saying (b)(6); (b)(7)(C) did not get “smarter, taller or better looking” (b)(6); (b)(7)(C) but that phrase was one Sallet used. (Id. at 87-88).

The evidence shows it is more likely than not that Sallet made negative comments about

(b)(6); (b)(7)(C) appearance.

<sup>7</sup> As noted above, (b)(6); (b)(7)(C) did not regularly attend PAU meetings with Sallet. (12/9/22 SJ Tr. 83-84).

**xii. January 26, 2021 Dating Comments**

(b)(6); (b)(7)(C) alleged, during the January 26, 2021 afternoon team briefing, Sallet stated (b)(6); (b)(7)(C) dated him.” when asked by (b)(6); (b)(7)(C) who (b)(6); (b)(7)(C) was. (Google Journaling Notes, p. 1; Complaint; 7/15/21 PM Tr. 66-67). According to (b)(6); (b)(7)(C) she responded that she had not dated (b)(6); (b)(7)(C) (Google Journaling Notes, p. 1; Complaint; 7/15/21 PM Tr. 67). (b)(6); (b)(7)(C) also alleges, on a prior occasion, Sallet stated she dated (b)(6); (b)(7)(C) whom she has never met. (Complaint; 7/15/21 PM Tr. 67-68).

Sallet did not recall stating (b)(6); (b)(7)(C) dated (b)(6); (b)(7)(C) (10/20/21 JS Tr. 76). According to Sallet, though he did not recall, it was possible he said (b)(6); (b)(7)(C) dated (b)(6); (b)(7)(C). (Id.).

(b)(6); (b)(7)(C) did not recall asking who (b)(6); (b)(7)(C) was or Sallet saying (b)(6); (b)(7)(C) dated (b)(6); (b)(7)(C) (12/9/22 SJ Tr. 90-91). (b)(6); (b)(7)(C) also did not recall Sallet saying (b)(6); (b)(7)(C) dated (b)(6); (b)(7)(C) and thinks he would remember if it had occurred because he knows (b)(6); (b)(7)(C) well. (Id. at 91-92). (b)(6); (b)(7)(C) did not recall Sallet ever saying he or (b)(6); (b)(7)(C) were dating someone who worked at the FBI. (Id. at 92).

(b)(6); (b)(7)(C) recalled Sallet saying (b)(6); (b)(7)(C) dated both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (10/25/21 TT Tr. 55-56).

The evidence shows it is more likely than not that Sallet stated (b)(6); (b)(7)(C) had dated both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C).

**xiii. January 27, 2021 Questioning Regarding Who (b)(6); (b)(7)(C) Was Dating**

(b)(6); (b)(7)(C) alleged, during the January 27, 2021 morning team meeting, Sallet asked her who (b)(6); (b)(7)(C) was dating. (5/26/21 email to (b)(6); (b)(7)(C) Google Journaling Notes, p. 2; Complaint; 7/15/21 PM Tr. 69). Sallet allegedly continued to pressure (b)(6); (b)(7)(C) for information despite her declining to answer. (Google Journaling Notes, p. 2; Complaint; 7/15/21 PM Tr. 70). Sallet stated that he had tried to set up (b)(6); (b)(7)(C) with a “beautiful, (b)(6); (b)(7)(C) girl, and



(b)(6); (b)(7)(C) just, he wasn't interested." (Id.). (b)(6); (b)(7)(C) alleged she was very uncomfortable because (b)(6); (b)(7)(C) "beautiful" – (b)(6); (b)(7)(C) (Complaint; 7/15/21 PM Tr. 70-71).

Sallet did not recall asking (b)(6); (b)(7)(C) who (b)(6); (b)(7)(C) was dating. (10/20/21 JS Tr. 87). Sallet may have told (b)(6); (b)(7)(C) about trying to set up (b)(6); (b)(7)(C) on a date. (Id. at 87-89). The woman with whom Sallet tried to set up (b)(6); (b)(7)(C) was a (b)(6); (b)(7)(C) subordinate of Sallet's. (Id. at 88). If Sallet told (b)(6); (b)(7)(C) the story about trying to set up (b)(6); (b)(7)(C) on a date, he was not making a comment about (b)(6); (b)(7)(C) appearance. (Id. at 89).

(b)(6); (b)(7)(C) remembered one conversation about (b)(6); (b)(7)(C) dating and Sallet may have asked (b)(6); (b)(7)(C) if she knew who (b)(6); (b)(7)(C) was dating. (12/9/22 SJ Tr. 93-94). (b)(6); (b)(7)(C) thought (b)(6); (b)(7)(C) told Sallet that she did not know who (b)(6); (b)(7)(C) was dating. (Id. at 94). (b)(6); (b)(7)(C) did not seem uncomfortable with the conversation to (b)(6); (b)(7)(C) (Id.). (b)(6); (b)(7)(C) did not recall Sallet telling a story about trying to set (b)(6); (b)(7)(C) up for a date. (Id. at 94-95).

(b)(6); (b)(7)(C) recalled Sallet repeatedly asking (b)(6); (b)(7)(C) who (b)(6); (b)(7)(C) was dating. (10/25/21 TT Tr. 68-69). (b)(6); (b)(7)(C) recalled Sallet saying he had tried to set up (b)(6); (b)(7)(C) in the past, but did not specifically recall Sallet describing the woman's appearance. (Id. at 71). (b)(6); (b)(7)(C) knew that Sallet's type is (b)(6); (b)(7)(C) pretty based on comments he had made to (b)(6); (b)(7)(C) in meetings. (Id. at 30, 47).

The evidence shows it is more likely than not that Sallet asked (b)(6); (b)(7)(C) who (b)(6); (b)(7)(C) was dating and recounted his story about trying to set up (b)(6); (b)(7)(C) on a date. No finding is made as to whether Sallet described the potential date's appearance as (b)(6); (b)(7)(C). However, it is noted that the information reviewed contains no explanation of how (b)(6); (b)(7)(C) would have known this detail other than from Sallet.



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Withheld pursuant to exemption

(b)(6) ; (b)(7)(C)

of the Freedom of Information and Privacy Act

(b)(5); (b)(7)(C)





(b)(6); (b)(7)(C)

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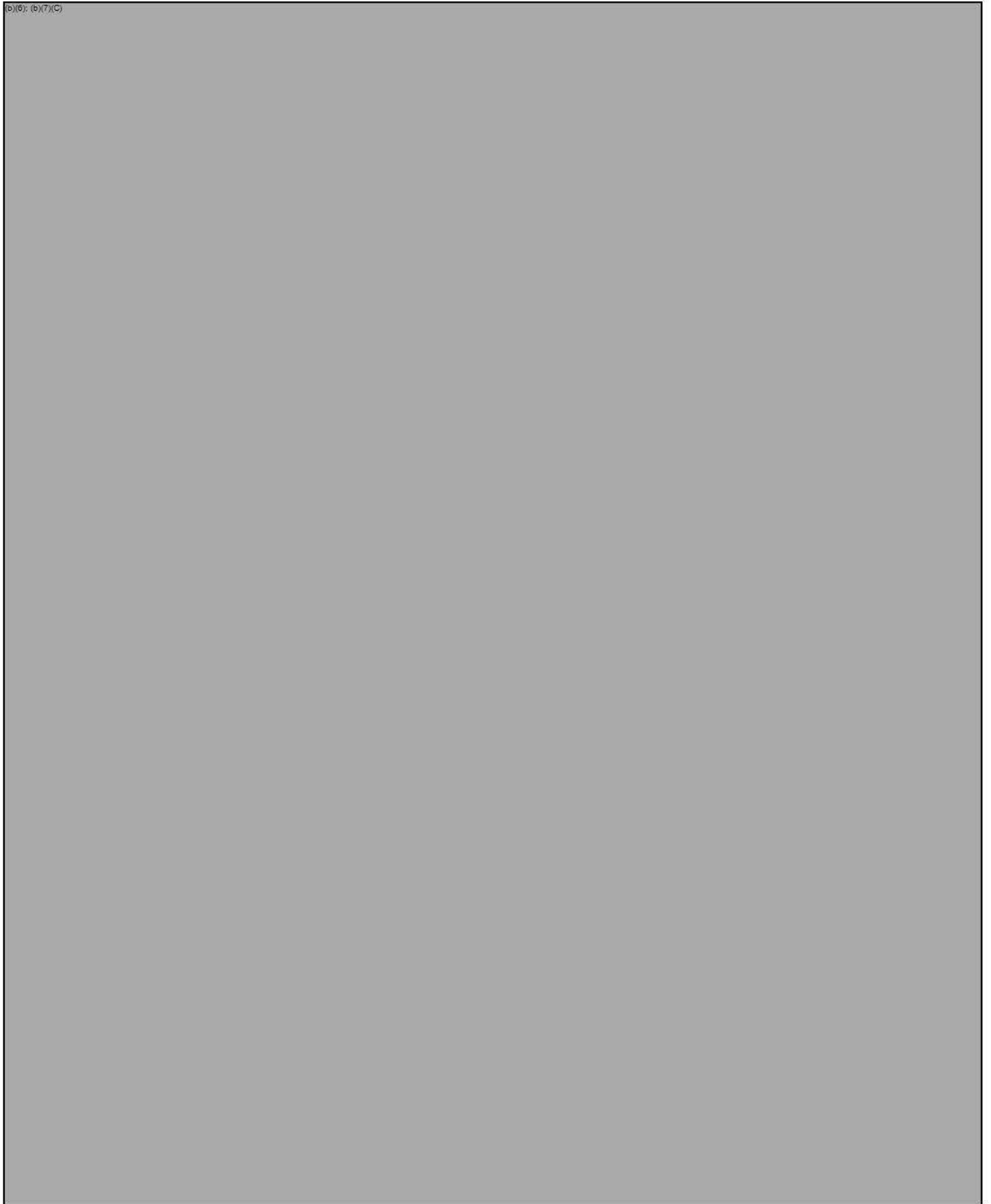
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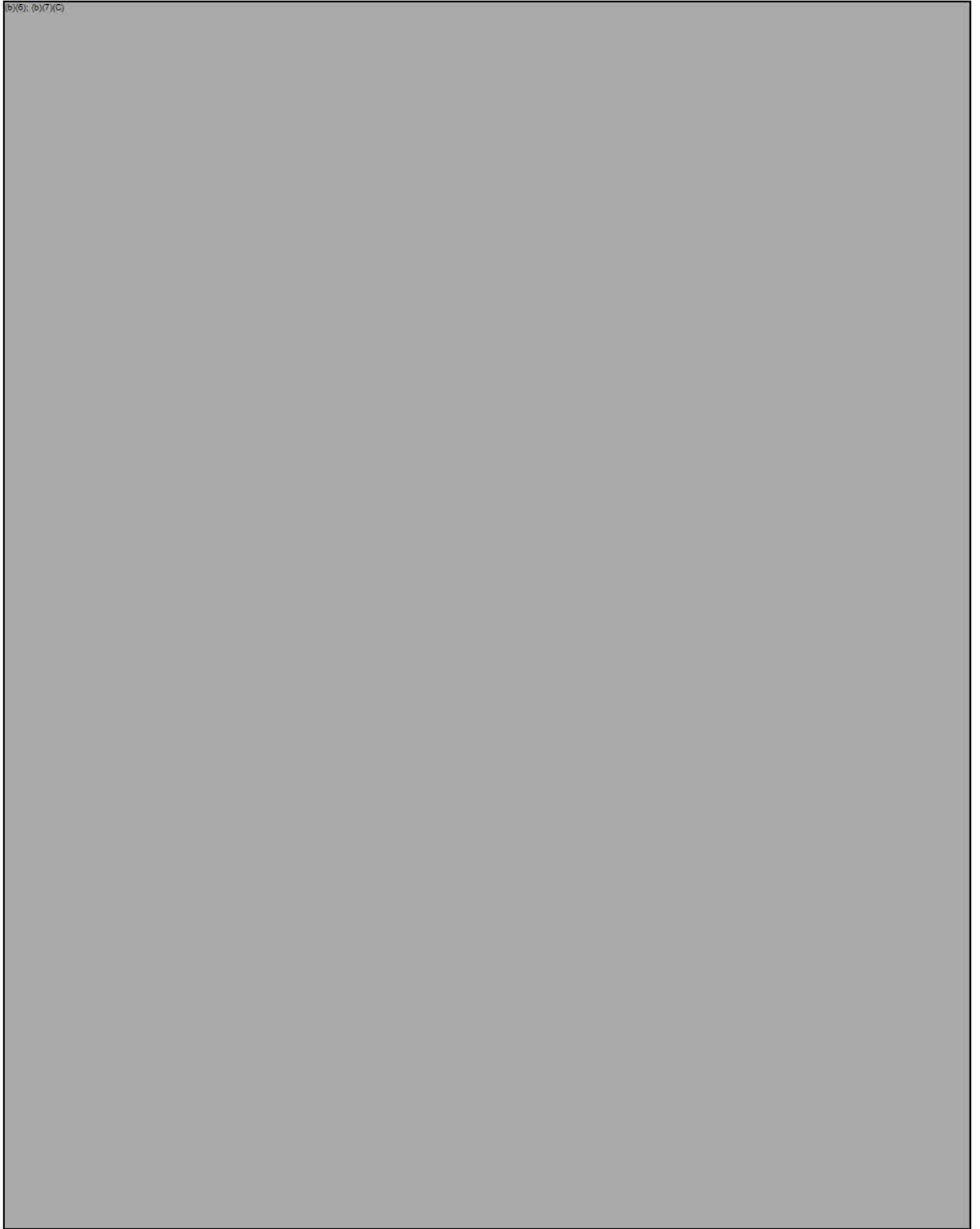


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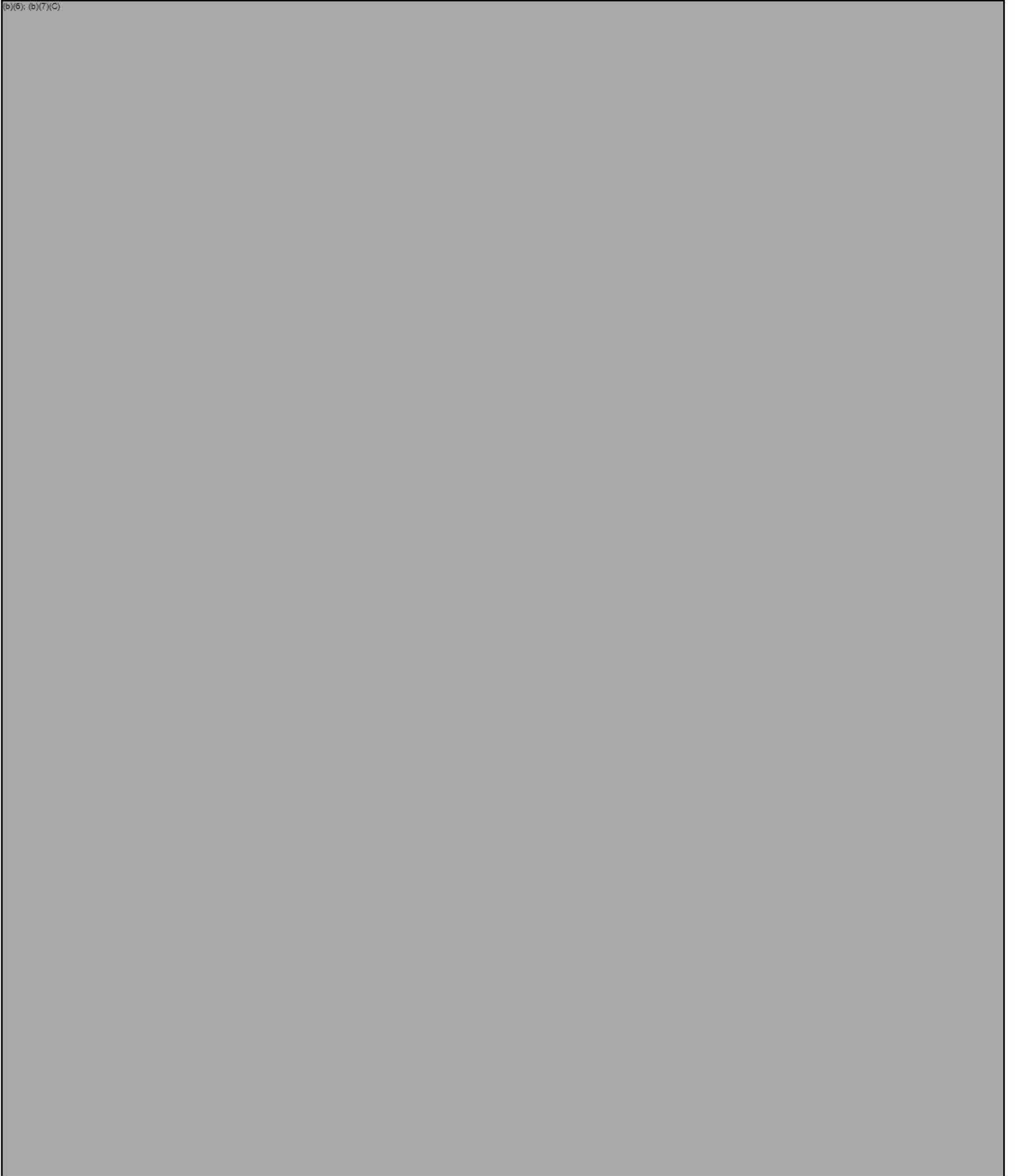


(b)(6); (b)(7)(C)





(b)(6); (b)(7)(C)



(b)(6), (b)(7)(C)



## IV. CONCLUSION

### a. Harassment Allegations

- (b)(6); (b)(7)(C)
1. Sallet told (b)(6); (b)(7)(C) he could call his friend so she could join his harem.
  2. (b)(6); (b)(7)(C)
  3. Sallet sent text messages from his personal cell phone to (b)(6); (b)(7)(C) personal cell phone and some of those text messages were not work related.
  4. Sallet suggested to (b)(6); (b)(7)(C) that they attend the DRB conference call from his hotel room, but they did not attend from his hotel room.
  5. (b)(6); (b)(7)(C)
  6. Sallet referred to an anchorman on TV as (b)(6); (b)(7)(C) boyfriend several times.
  7. Sallet made comments to (b)(6); (b)(7)(C) about her dating habits.
  8. Sallet stated to (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) must be disappointed (b)(6); (b)(7)(C) was not barefoot and pregnant.
  9. (b)(6); (b)(7)(C)
  10. Sallet told a story about an agent in New Orleans and used the word “dick” when referring to the agent.
  11. Sallet made negative comments about (b)(6); (b)(7)(C) appearance.
  12. Sallet stated (b)(6); (b)(7)(C) dated (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)
  13. Sallet asked (b)(6); (b)(7)(C) who (b)(6); (b)(7)(C) was dating and recounted a story about trying to set up (b)(6); (b)(7)(C) on a date.
  14. (b)(6); (b)(7)(C)
  15. (b)(6); (b)(7)(C)
  16. (b)(6); (b)(7)(C)
  17. (b)(6); (b)(7)(C)
  18. (b)(6); (b)(7)(C)

19.  
20.  
21.  
22.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

The five substantiated allegations (1, 6, 7, 8, and 12) were sufficient to determine that

Sallet violated DOJ's "Zero Tolerance Policy."

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

DOJ's "Zero Tolerance Policy" does not

require that conduct be "severe or pervasive" in order to be deemed actionable. A lower standard than Title VII can be applied to find "harassing conduct." Specifically, the Lynch Memo defines "harassing conduct" as "... *any unwelcome verbal or physical conduct that is based on any of the*

(b)(6); (b)(7)(C)



above-referenced characteristics [sex] when this conduct explicitly or implicitly. . . creates an . . . offensive work environment.” (emphasis added). The memo further states that “the Department will act *before* the harassing conduct is so pervasive and offensive as to constitute a hostile environment.” (emphasis added).

There was sufficient information to determine that Sallet’s conduct did not adhere to the FBI Ethics and Integrity Program Policy Guide regarding his supervisory relationship with (b)(6); (b)(7)(C)<sup>9</sup>. Substantiated allegations 1, 6, 7, 8, and 12 show Sallet did not act professionally and courteously toward (b)(6); (b)(7)(C) or conduct himself in a manner that recognized her dignity at the workplace. For example, Sallet’s suggestion that (b)(6); (b)(7)(C) could join his friend’s harem, referring to an anchorman on TV as (b)(6); (b)(7)(C) boyfriend, and stating that (b)(6); (b)(7)(C) dated certain FBI employees show Sallet’s disrespectful treatment of (b)(6); (b)(7)(C) at the workplace. This is particularly true when Sallet’s discourteous actions towards (b)(6); (b)(7)(C) occurred in the presence of their co-workers.

There was sufficient information to establish that Sallet’s conduct constituted “Unprofessional Conduct – On Duty” as explained in the FBI Offense Code. Substantiated allegations 1, 3, 4, 6, 7, 8, 10, 11, 12, and 13 seriously call into question Sallet’s judgment regarding appropriate workplace conduct as a senior leader overseeing the human resources operations in a federal law enforcement agency. For example, Sallet’s referring to an employee as a “dick,” making negative comments about a supervisor’s appearance, and asking his subordinate who his supervisor is dating show a lack of awareness regarding both his audience and suitable workplace conversation topics. These same substantiated allegations also constitute

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<sup>9</sup> Multiple overlapping policies are discussed, but agencies generally cannot impose disciplinary action more than once for the same misconduct. Nguyen v. Dep’t of Homeland Sec., 737 F.3d 711, 717 (Fed. Cir. 2013).

“improper conduct” as defined by the MSPB, especially as those in supervisory and law enforcement positions are held to a higher standard of conduct in the federal workplace.<sup>10</sup>

(b)(6); (b)(7)(C)



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<sup>10</sup> Though very few FBI employees have appeal rights to the MSPB, the law discussed in MSPB misconduct cases provides helpful guidance on standards applied to the federal workplace, including application to other federal law enforcement managers and employees who do possess MSPB appeal rights.