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REPORT OF INVESTIGATION: MR. ROBERT A. GOLD FORMER DIRECTOR, TECHNOLOGY AND MANUFACTURING INDUSTRIAL BASE

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REPORT OF INVESTIGATION: MR. ROBERT A. GOLD FORMER DIRECTOR, TECHNOLOGY AND MANUFACTURING INDUSTRIAL BASE

Introduction and Summary¹

Incoming Complaints

The Office of the Under Secretary of Defense for Research and Engineering (OUSD[R&E]) received two complaints on March 7, 2022, against Mr. Robert A. Gold, Senior Executive Service (SES), Director, Technology and Manufacturing Industrial Base (TMIB), OUSD(R&E). On April 26, 2022, the OUSD(R&E) referred the two complaints to the DoD Office of Inspector General (DoD OIG).²

On June 28, 2022, we initiated an investigation into allegations that Mr. Gold sexually harassed female subordinates, including making sexually explicit and offensive gender-based comments. We evaluated Mr. Gold's conduct against applicable standards summarized throughout this report. We present the full standards in Appendix A of this report.

Scope and Methodology of the Investigation

We interviewed 36 witnesses who worked at the OUSD(R&E), had direct interaction with Mr. Gold, or otherwise had information relevant to the allegations. We also interviewed Mr. Gold.

We reviewed approximately 400,000 DoD records, including official emails and other electronic messages, computer hard drive data, and applicable standards. We also reviewed official personnel and training files, and phone data containing the phone numbers of calls, texts, or photos Mr. Gold sent or received on his government cell phone.

Summary of Conclusions

We substantiated two allegations against Mr. Gold. First, we substantiated that he sexually harassed a subordinate female employee, creating an intimidating, hostile, and offensive work environment for this employee. Second, we substantiated that Mr. Gold harassed two other female subordinates by making demeaning gender-based comments that created

¹ This report contains information that has been redacted because it was identified by the DoD Office of Inspector General and the DoD as Controlled Unclassified Information (CUI) that is not releasable outside the Executive Branch. CUI is Government-created or -owned unclassified information that allows for, or requires, safeguarding and dissemination controls in accordance with laws, regulations, or Government-wide policies.

² The specific allegations are outlined in the Background section of this report.

an intimidating, hostile, and offensive work environment for these employees. Mr. Gold failed to treat Subordinates 1, 2, and 3 with dignity and respect. Mr. Gold's behaviors violated DoD policies.³

We determined that Mr. Gold sexually harassed Subordinate 1 repeatedly over a period of about 15 months, [REDACTED]. Mr. Gold engaged in a pattern of harassing behavior toward Subordinate 1 that included sharing his dating stories and sexual habits with her, making demeaning gender-based comments toward her, and making sexually explicit comments about his [REDACTED] and his pornography viewing habit.

Mr. Gold's harassing behavior escalated to making sexual advances toward Subordinate 1 [REDACTED]. He admitted to us that he made sexual advances toward Subordinate 1, kissed her, [REDACTED]. Mr. Gold said, "The one inappropriate relationship that I highly regret and acknowledge was inappropriate was [REDACTED] [Subordinate 1]."

Mr. Gold's overall course of conduct toward Subordinate 1 constituted sexual harassment that interfered with Subordinate 1's work performance. We determined that Mr. Gold created a work environment that caused her distress, caused her to become physically ill on multiple occasions, and resulted in [REDACTED] anxiety about facing him at work. Subordinate 1 also said that she feared retaliation from Mr. Gold and that he "could destroy the career I'm working so hard to build."

We also determined that Mr. Gold made harassing and stereotyping comments to two other subordinate female employees (Subordinates 2 and 3). These comments were demeaning gender-based comments that violated DoD standards. Specifically, he told them they were "like his ex-wife," whom he described as a "hateful b**ch"; accused them of being too aggressive or lying to him when he disagreed with what they were telling him; and told one of them that he no longer trusted her because her teasing was like his ex-wife's teasing. Mr. Gold's demeaning gender-based comments are a form of prohibited harassment and do not reflect the dignity and respect with which employees should be treated in the workplace.

We determined that Mr. Gold's harassing behavior created an intimidating, hostile, or offensive work environment. His behavior, evaluated under the totality of the circumstances, adversely affected the work performance of Subordinates 2 and 3. Moreover, his behavior caused Subordinate 3 to seek another position and leave her job working for Mr. Gold.

³ DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987 (Incorporating Through Change 3, April 17, 1992); DoD Instruction 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020; DoD 5500.7 R, "Joint Ethics Regulation (JER)," August 30, 1993 (Incorporating Changes 1-7, November 17, 2011).

Accordingly, we concluded that Mr. Gold engaged in an overall course of conduct in which he sexually harassed Subordinate 1 and harassed Subordinates 2 and 3 by making gender-based demeaning comments that created an intimidating, hostile, and offensive work environment for each of them. Mr. Gold failed to treat Subordinates 1, 2, and 3 with dignity and respect.

Mr. Gold's Response to our Conclusions

We provided Mr. Gold our preliminary conclusions on June 3, 2024, for his review and comment before finalizing our report. Mr. Gold provided his response, through his attorney, on July 1, 2024. We carefully considered Mr. Gold's comments about our preliminary conclusions, reexamined our evidence, adjusted our report where appropriate, and summarized his comments, in part, in this report.⁴

In the response, Mr. Gold's attorney wrote that there were procedural deficiencies in the investigation and asked that the "violations against Mr. Gold be fully dropped or minimized in penalty."⁵ The attorney asserted that the DoD OIG "stripped Mr. Gold of his procedural due process rights when executing this investigation" by (1) violating the Privacy Act and (2) demonstrating bias against Mr. Gold.

Regarding the first procedural due process concern, Mr. Gold's attorney asserted that the Privacy Act prohibited the DoD OIG from interviewing witnesses before gathering information to the greatest extent possible directly from Mr. Gold as the subject. Mr. Gold's attorney cited a specific Privacy Act provision, section 552a(e)(2), title 5, United States Code, that he asserted required the DoD OIG to gather information about Mr. Gold directly from him before obtaining information from other parties because the information or evidence being gathered could result in "adverse determinations" about Mr. Gold.

We disagree with Mr. Gold's attorney's assertions that the DoD OIG's investigation violated the Privacy Act and "stripped" Mr. Gold of due process. Under title 32 Code of Federal Regulations (CFR) section 310.28(c)(4)(iii)(D), DoD OIG Administrative Investigations (AI) records are exempt from the Privacy Act requirement that Mr. Gold's attorney cited.⁶ Contrary to the submission from Mr. Gold's attorney, this exemption allowed for the DoD OIG, as it does in many administrative investigations, to gather investigative information from witnesses before interviewing the subject of the investigation. We further have determined the case law Mr. Gold's attorney cited as precedent supporting a requirement to question an investigation subject first before contacting witnesses did not account for this Privacy Act exception and

⁴ We incorporated in this report what we believe is a reasonable synopsis of Mr. Gold's response.

⁵ The DoD OIG does not administer or enforce penalties or corrective actions for substantiated misconduct. A subject's supervisor determines and administers appropriate corrective action for substantiated violations.

⁶ Subsection (e)(2). To collect information from the subject individual could serve notice that he or she is the subject of a criminal investigation and thereby present a serious impediment to such investigations. Collection of information only from the individual accused of criminal activity **or misconduct** could also subvert discovery of relevant evidence and subvert the course of justice. Accordingly, application of exemption (j)(2) may be necessary. [Emphasis added]

did not apply to Mr. Gold's circumstances in the DoD.⁷ Federal courts have held that it is not a Privacy Act violation to interview other witnesses before the subject when the subject is accused of misconduct or previously harassed potential witnesses, or when it would not have made a difference if the subject was contacted first.⁸

Mr. Gold's attorney also argued that the DoD OIG's investigation violated the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Quality of Standards for Inspection and Evaluation (QSIE) by demonstrating bias against Mr. Gold. The examples of bias the attorney cited were the "investigation manager's" asserted failure to remain impartial in comments to Mr. Gold, and the investigation omitting evidence that Mr. Gold's conduct toward Subordinate 1 was consensual and she encouraged it.⁹

We found that Mr. Gold's attorney, in relying on the CIGIE QSIE, applied an incorrect standard to the administrative investigation of Mr. Gold. The DoD OIG AI Component's published guidance is the Administrative Investigations Manual (September 23, 2022). AI Manual Chapter 1 states that investigators will adhere to CIGIE's "Quality Standards for Investigations" (November 2011).¹⁰

Mr. Gold's attorney wrote that the DoD OIG "investigation manager" exhibited bias towards Mr. Gold when, while she was notifying him by telephone that he was the subject of an investigation, she allegedly said she "found it telling that [Mr. Gold] hired a lawyer."¹¹ Mr. Gold's attorney further wrote that the DoD OIG failed to correct this alleged bias and allowed it to result in a report that omitted evidence in Mr. Gold's favor.

We reviewed the June 28, 2022 notification documents that the Deputy Inspector General for Administrative Investigations (DIG-AI) sent to Mr. Gold, to his supervisor, and to the Office of the Secretary of Defense. We reviewed the notification email that the DIG-AI sent to Mr. Gold for his acknowledgment that the DoD OIG had notified him of the investigation, and her telephonic notification script and notes from her conversation with Mr. Gold. Other than Mr. Gold's attorney's allegation, we found no evidence of bias for or against the subject,

⁷ In those cases, the subjects were suspended without pay, furloughed, terminated, and "deprived" of income and livelihood based on adverse information obtained against them through an investigation. The DoD did not take any of these adverse actions against Mr. Gold. The DoD placed him on paid administrative leave during the DoD OIG investigation and he was not deprived of livelihood or benefits. The DoD did not terminate his employment or take formal or informal corrective action against him. Mr. Gold chose to retire from Government service before the investigation concluded.

⁸ *Brune v. IRS*, 861 F.2d 1284 (D.C. Cir. 1988); *Hogan v. England*, 159 Fed. App'x 534 (4th Cir. 2005).

⁹ The DoD OIG AI Component does not have a position titled "investigation manager." We believe Mr. Gold's attorney may be referring to the Deputy Inspector General for Administrative Investigations, a member of the Senior Executive Service, who notified Mr. Gold by telephone and in writing on June 28, 2022, that he was the subject of this investigation.

¹⁰ DoD OIG's AI Component incorporated the Quality Standards for Investigations into the AI Manual. AI Manual section 4.2.2 (Objectivity) requires that "investigators must always remain objective and conduct themselves with the highest degree of professionalism, integrity, and impartiality, approaching each case without prejudging people or reaching predetermined conclusions."

¹¹ Mr. Gold's attorney provided a written statement from Mr. Gold that Mr. Gold did not sign personally. The written statement did not address this allegation.

or that the DIG-AI made the alleged comment Mr. Gold's attorney cited as proof of bias.¹² We address Mr. Gold's attorney's claims about evidence omission and that his behavior toward Subordinate 1 was consensual in the Analysis of the Allegations section of this report.

Despite Mr. Gold's assertions, and after considering his full response to our preliminary conclusions, we did not find evidence sufficient to justify his conduct or suggest that he did not sexually harass Subordinate 1 and create a hostile work environment for her. On the contrary, in personal discussions in the workplace, texts, and recorded conversations with Subordinate 1, Mr. Gold repeatedly sexually harassed and created a hostile work environment for Subordinate 1 by sharing his dating stories and sexual habits with her, making demeaning gender-based comments toward her, and making sexually explicit comments to her about his [REDACTED] pornography habit, which escalated to making sexual advances toward [REDACTED] Subordinate 1. He admitted to us that he made these sexual advances toward Subordinate 1, kissed her, [REDACTED] and that this was inappropriate conduct.

After carefully considering Mr. Gold's response, we reexamined our evidence, the standards we applied in analyzing Mr. Gold's behavior, and our investigative process. The additional review did not change our determination by a preponderance of the evidence that Mr. Gold engaged in the substantiated misconduct described in this report. Therefore, we concluded that Mr. Gold sexually harassed Subordinate 1 and made gender-based demeaning comments directed toward Subordinates 2 and 3, creating an intimidating, hostile, and offensive work environment for each of them. In addition, Mr. Gold failed to treat these subordinates with dignity and respect.

We provide more information about Mr. Gold's response in the Analysis of the Allegations section.

Detailed Results of Our Investigation

The following report sections provide our detailed investigation results. We first provide background information on Mr. Gold and the OUSD(R&E). Second, we discuss the complaints and facts associated with the sexual harassment of Subordinate 1 through unwanted sexual advances, [REDACTED]. Then we discuss his harassment of [REDACTED] female subordinates (Subordinates 2 and 3) and how Mr. Gold's conduct toward these subordinates created an intimidating, hostile, and offensive work environment in which he failed to treat those women with dignity and respect. Finally, we present our overall conclusions.¹³

¹² During the notification process, subjects often ask the DIG-AI if they need, or should hire, an attorney to represent them during the investigation. The DIG-AI consistently responds to subjects that she cannot tell them whether they should or should not hire an attorney, as that is a personal decision for the subject. There is no evidence, other than Mr. Gold's allegations, that the DIG-AI departed from this routine answer in her telephone conversation with Mr. Gold, and we determined it is more likely than not that he misheard or misunderstood what she told him about needing or hiring an attorney.

¹³ We based our conclusions on a preponderance of the evidence, consistent with the law and our normal process in administrative investigations.

Additionally, in Appendix B we address other concerns witnesses raised about Mr. Gold's conduct and leadership. Based on our review of witness testimony, emails, and documents, we found insufficient evidence to indicate that Mr. Gold's conduct in those matters violated a standard.

Background

Complaint Origin

On March 7, 2022, the OUSD(R&E) received two complaints against Mr. Gold. The first complaint alleged that Mr. Gold sexually harassed female subordinates and created a toxic environment from his inappropriate comments and behavior. The second complaint alleged that Mr. Gold's inappropriate behavior and lack of leadership created a toxic culture in the TMIB, leading to low workplace morale.¹⁴ The OUSD(R&E) reported the allegations against Mr. Gold to the DoD OIG on March 10, 2022, and began an inquiry into the allegations with DoD OIG oversight, in accordance with DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials, June 6, 2013 (Incorporating Change 1, Effective April 28, 2020). During the inquiry, a female subordinate shared potential [REDACTED] allegations that the OUSD(R&E) believed exceeded the scope of its inquiry authority.

On April 26, 2022, the OUSD(R&E) referred the complaints to the DoD OIG. The OUSD(R&E) stated that the allegations appeared as potential criminal activity that was reported to have taken place outside the workplace at a private residence believed to be in Virginia, and not at the Pentagon or on a military or other DoD installation. [REDACTED]

Under DoD Instruction (DoDI) 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020, Section 4.4, "Harassment Allegations of a Criminal Nature," criminal activity that comes to light during the course of a harassment investigation must be reported to "the appropriate law enforcement agency."¹⁵ When the OUSD(R&E) referred this case to the DoD OIG, we coordinated with the DoD Office of General Counsel regarding referral of potential criminal activity. We also considered whether the DoD OIG Defense Criminal Investigative Service had jurisdiction over a potential [REDACTED] under these circumstances. We concluded that the Defense Criminal Investigative Service did not have jurisdiction of [REDACTED] at a residence on private property.

¹⁴ Based on our initial review, we focused our investigation on Mr. Gold's overall course of harassing conduct toward female employees that created an intimidating, hostile, and offensive work environment.

¹⁵ DoDI 1020.04, Section 4.4, provides the following information.

- a. Criminal activity, either reported in conjunction with a harassment allegation or identified during the process of responding to the harassment allegation, must be immediately reported to the appropriate law enforcement agency. The DoD Component's process to respond to harassment allegations may occur collaterally only if it does not hinder the criminal investigation.

DoDI 1020.04 does not provide guidance to DoD personnel regarding who must report criminal activity to the appropriate law enforcement agency, and it does not provide a definition of "criminal activity." Neither the Pentagon Force Protection Agency nor any military criminal investigative organization would have jurisdiction over the misconduct alleged here, because the reported events did not occur on a DoD installation, facility, or vessel, and the alleged perpetrator is not a Service member.

Accordingly, the DoD OIG investigated the allegations only as they related to potential administrative violations of sexual harassment policy, other harassment policies, and the Joint Ethics Regulation (JER).

The DoD OIG interviewed Subordinate 1 on June 7, 2022, to discuss her allegations and whether she wished to make a complaint to criminal investigative authorities. After much thought, Subordinate 1 told us that she would not file a complaint with criminal authorities but decided instead to proceed with a complaint to the DoD OIG.¹⁶ Because of the scope of our investigation, we do not make any findings of fact or reach any conclusions about whether criminal activity occurred.

On June 28, 2022, we initiated an investigation into whether Mr. Gold's overall course of sexual harassment conduct toward female employees created an intimidating, hostile, and offensive work environment.

Mr. Robert A. Gold

Mr. Gold became a member of the SES on November 9, 2008. He worked within the OUSD(R&E) for more than 30 years. During that time, Mr. Gold held the following positions: Director of the Engineering Enterprise, Office of the Deputy Assistant Secretary of Defense for Systems Engineering; Director for Information Systems and Cyber Security; Director for Engineering and Advanced Prototypes; and Deputy Director, Space and Intelligence. Due to a reorganization, on March 31, 2019, Mr. Gold was reassigned as the Director, TMIB, OUSD(R&E). As Director, TMIB, he supervised [REDACTED] direct reports and provided oversight to approximately 30 personnel. Mr. Gold began a temporary detail assignment to the Missile Defense Agency on March 24, 2022. Mr. Gold retired from Federal service on December 30, 2023.¹⁷

Office of the Under Secretary of Defense for Research and Engineering

The OUSD(R&E) serves as the primary advisor to DoD leadership on all matters pertaining to the DoD's R&E enterprise, technology development and transition, developmental prototyping, experimentation, and administration of testing ranges and activities. The OUSD(R&E) has the lead responsibility within the DoD for synchronizing Science and Technology efforts across the DoD, the Joint Staff, and the Services.

¹⁶ [REDACTED]

¹⁷ We continued our investigation consistent with our standard practice.

Analysis of the Allegations

One complaint alleged that Mr. Gold harassed [REDACTED] one of his female subordinates (Subordinate 1). This complaint and another complaint alleged that Mr. Gold made sexually explicit and offensive gender-based comments to female employees, which created a hostile work environment.

In section A, we present the facts associated with the allegations that Mr. Gold created an intimidating, hostile, and offensive work environment by sexually harassing Subordinate 1 through his pattern of harassing behavior and comments, his attempts to kiss Subordinate 1, [REDACTED] We also discuss Mr. Gold’s conduct toward Subordinate 1 [REDACTED] and the workplace perception of his relationship with Subordinate 1.

In section B, we discuss the allegations that Mr. Gold created an intimidating, hostile, and offensive work environment for Subordinates 2 and 3 by making inappropriate comments to them.

A. Mr. Gold’s Conduct Toward Subordinate 1

Sexual harassment is prohibited in the DoD. DoD Directive 1440.1 defines sexual harassment as:

[a] form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when ... [s]uch conduct interferes with an individual’s performance or creates an intimidating, hostile, or offensive environment.

We interviewed Mr. Gold and 26 witnesses who had regular observations of direct interaction between Mr. Gold and Subordinate 1 or had information relevant to the allegation that he sexually harassed Subordinate 1 and to his interactions with Subordinate 1. We also reviewed government cell phone records and more than 400,000 electronic files, which included emails, instant messages, and documents related to Mr. Gold’s and Subordinate 1’s relationship.

Chronology of Events Related to Subordinate 1

Table 1 lists the events related to Mr. Gold’s interaction with Subordinate 1.

Table 1. Chronology of Events

Date	Event
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Mr. Gold told us that his invitations for Subordinate 1 to work at his house were not “overt invitation[s]” on his part but that he gave her the choice where they should do the work. He said that when he said his first choice was to meet in the office, she replied, “No, I’ll come over.” He also said, “[I]n the end the decision to work at my place was more her insistence than my insistence.”

Subordinate 1 told us that when she arrived at Mr. Gold’s house and proceeded to set up for work, he offered her a glass of wine, and he wanted to talk and know everything about her. She told us that she stated to Mr. Gold, “Okay, if we’re not going to work on the report, then I’ll just leave.” Subordinate 1 told us that Mr. Gold said he would work on a personal home project and told her, “You work on that report.” Subordinate 1 said that she “sat there ... could have been 15 minutes, 30 minutes, an hour” and that she eventually packed up and left to complete the [REDACTED] report at her home.

[REDACTED], Subordinate 1 also told us that Mr. Gold became very open in sharing his dating details with her and that he made inappropriate comments toward her. For example, she told us that he would talk about “sleeping around” and the “dirty movies” he watched and that he also made negative comments when comparing her to his ex-wife. Subordinate 1 also told us that Mr. Gold became more erratic and would yell at her, and she thought he felt their relationship was something that it was not, and this was troubling to her. In the following sections of this report, we discuss these and other comments Mr. Gold made when Subordinate 1 [REDACTED].

Subordinate 1 told us that [REDACTED], Mr. Gold encouraged her to [REDACTED] take a [REDACTED] position [REDACTED]. Thus, she met with him to discuss the position [REDACTED]. Subordinate 1 told us that she was concerned about working for him [REDACTED] because “he was rude and sexist.” She said that she told him that she did not think he could see her as anything other than [REDACTED].” According to Subordinate 1, Mr. Gold told her that [REDACTED] their relationship would change, he could act professionally, and it would be different between them. Subordinate 1 said that she decided [REDACTED] because she thought she might not have to see Mr. Gold in person for a while due to the COVID-19 pandemic.

[REDACTED]. Subordinate 1 told us that looking back at Mr. Gold’s assurances that he would treat her professionally, she felt betrayed, and thought, “[H]e set me up.” Additionally, she said, “I believe [Mr. Gold] counted the days from when he [REDACTED].” She continued, “I now see that I think it was a very calculated effort [REDACTED] because it was almost like it was a sickness. I think he was like obsessed with me.”

Mr. Gold's Conversations with Subordinate 1 About His Personal Life

A review of digital evidence and testimony revealed that Mr. Gold and Subordinate 1 worked closely together and had personal conversations about dating activities, ██████████, and other family matters.¹⁸

Subordinate 1 told us that Mr. Gold started getting more comfortable with her at the office. Mr. Gold told us that Subordinate 1 was in his office quite a bit to discuss work and personal issues, ranging from family matters to ██████████. One witness told us that Subordinate 1 was in Mr. Gold's office at least three times a week, sometimes with the office door closed.

Mr. Gold and ██████████ were going through ██████████ around the same time. Subordinate 1 told us that once Mr. Gold's divorce was final, he became "very open about being very promiscuous" and "pretty open" about "sleeping around." For example, Subordinate 1 told us that Mr. Gold:

- would say things like "I went out with this hot chick and you know, things went there";
- told her, "I went with this like smoking-hot chick I met online or at this Meetup. ... we totally like did it all weekend and there were like llamas in the field";¹⁹ and
- said things like "Oh yeah, I was watching some dirty movies."

Mr. Gold told us that early on, he and Subordinate 1 had "more than the usual kinds of interaction at a personal level." He said that while ██████████ was going through a ██████████, she was struggling, and he was happy to be there to support her. He told us that once ██████████ ██████████, their interactions continued on a personal level, but it was less supportive and more of a peer-to-peer relationship.

Subordinate 1 said that at meetings, Mr. Gold would talk about his weekend in which he kept it "above board," but she noticed that he would share more details when it was just the two of them. One witness told us that she remembered attending a meeting with Mr. Gold's subordinates and hearing Subordinate 1 talk about how Mr. Gold discussed his dating "conquests." The witness remembered Mr. Gold's subordinates being "grossed out" by what Subordinate 1 was telling them that Mr. Gold had said about his love life.

Mr. Gold told us that Subordinate 1 occasionally "would mention [to him] some of her sexual habits with a small number of her boyfriends." He said:

She talked about one or two of her boyfriends in a little more details [*sic*] than I would certainly normally expect in the office. I was not completely comfortable with any of that. I did reciprocate on one occasion, but it was uncomfortable for me to

¹⁸ In section B, we provide additional details from other employees about Mr. Gold's discussions in the office about his dating life.

¹⁹ Meetup is a smart phone social media application and website to find or join groups with common interests.

pursue those conversations, so I generally didn't do that. But she would discuss her dating life usually two or three times a month when we were in the office.

We found electronic messages between Mr. Gold and Subordinate 1 discussing their respective dating activities. For instance, we found a message dated January 20, 2022, from Subordinate 1 to Mr. Gold, saying "Happy hour optional," to "bounce" ideas off him before a meeting. In the string of messages, Subordinate 1 also asked Mr. Gold if his new girlfriend could come and if she could bring her significant other. Mr. Gold responded that he currently did not have a girlfriend, and Subordinate 1 asked, "What about the new gal?" He responded that she ghosted him. Subordinate 1 wrote, "[G]hosting is sooooo immature and rude. I think at our age(s) people can man-up and just communicate their feelings. Sorry that happened." The next day, Subordinate 1 wrote, "[F]orgot I had [an appointment] so glad we're not at [happy hour] haha[.] [H]ave a great weekend!" After the weekend, Mr. Gold wrote, "I did. Plenty of dating adventures are shaping up."

Mr. Gold's Pattern of Harassing Behavior Toward Subordinate 1

Subordinate 1 told us that some of Mr. Gold's "inappropriate comments" and behavior toward her were not what she expected from someone in the SES. For example, Subordinate 1 told us about the following comments.

- When discussing a report with Mr. Gold, he told her something like "you're just probably PMSing. That's why you're acting this way."
- When she told Mr. Gold that he had [REDACTED] on his [REDACTED], he replied, "What the f**k do you mean I'm covered in [REDACTED]?" Mr. Gold then asked her to get them off, and after she asked him, "What do you mean get it off?", Mr. Gold told her, "You're a mom, figure it out. Get the [REDACTED] off my [REDACTED]."
- Mr. Gold used a British accent and called her "Poppet" in front of others when calling her into his office to work.²⁰ She told us that it bothered her because it was an informal British reference to "a little girl."
- Mr. Gold wanted to know who his subordinates briefed. Subordinate 1 met with a senior leader and back-briefed Mr. Gold. According to Subordinate 1, he told her, "I can't believe that you spoke to him without me. You can't be trusted with senior leaders unless there's a babysitter. The plan you put together was stupid."
- Mr. Gold was so erratic and yelled at her "so bad" during a telephonic meeting that after she hung up the phone, she started crying.

One witness, [REDACTED], told us that [REDACTED], she overheard Mr. Gold berating Subordinate 1 on two phone calls. The witness provided one example in which Mr. Gold

²⁰ The Cambridge Dictionary defines a "poppet" as a liked or loved "person, especially a child."

repeated “[Subordinate 1], your approach is terrible” multiple times, and his face would get contorted. She told us that she felt embarrassed for Subordinate 1 and said, “[Subordinate 1] would get [Mr. Gold’s] ire and it was reminiscent of ... how he would treat me.” The witness also said that shortly after that, [REDACTED].

Subordinate 1 also told us that in some discussions, Mr. Gold raised his voice and told her that she “was acting like his ex-wife,” “was being too aggressive,” and “needed to stand down and know [her] place [REDACTED].” Subordinate 1 told us that Mr. Gold made the following recurring comments to her in the office.²¹

- “You’re so much like my [ex-]wife” and rolled his eyes while changing the subject.
- “You’re acting like my [ex-]wife.”
- “Now I see why your [REDACTED].”

According to Subordinate 1, Mr. Gold spoke negatively of his ex-wife to her, referring to her as a “hateful bi**h” and a “narcissist.”

When we asked Mr. Gold questions about making these comments, his responses alternated between stating that he had no idea, he did not recall the specifics, and any response he offered would be speculation. However, he told us that he did not consistently use the name “Poppet.” He added, “But I like the quote. I can definitely see myself having used it” Mr. Gold told us that it was a reference to the movie *Pirates of the Caribbean* and that “we love quoting movies. That’s kind of a guy thing.” He also told us that, absent specific context, he did not recall using it.

Mr. Gold’s Sexual Advances Toward Subordinate 1

During our interview, we asked Mr. Gold to respond to the allegation that he propositioned Subordinate 1 for sex. Mr. Gold told us that he made a “sexual advance” to Subordinate 1 that he described as two kisses he offered her after dinner with her at his home. This section provides more context leading up to the kissing [REDACTED]
[REDACTED]

Mr. Gold told us that there had been a “little bit of a buildup” of other activities before he invited Subordinate 1 to dinner at his house. According to Mr. Gold, they went out to dinner a couple of times, which led to three or four dinners with just Subordinate 1. He said, “[T]he dinners were friendly, platonic, generally continuing the same kind of conversations that we kind of had in the office.”

²¹ Other female employees told us of similar instances in which Mr. Gold compared female subordinates to his ex-wife. We discuss the “ex wife” comments toward his other female subordinates in section B.

Kissing Subordinate 1

When Subordinate 1 [REDACTED] working for Mr. Gold, he invited her to his house to make her dinner in March [REDACTED]. Subordinate 1 told us that Mr. Gold said to her, "Oh, let's just have dinner and chat about all these [work] topics." Subordinate 1 said that his invitation was "casual and low key," not like the other visits to Mr. Gold's house when she had to work over weekends on [REDACTED] reports.

According to Subordinate 1, she was at Mr. Gold's house for dinner for at least 2 hours, and within 30 minutes, he came up behind her while she was sitting at the dining room table and tried to kiss her. She told us that she ducked him and asked, "What are you doing?" She said that he replied, "Oh, I just thought you'd want to kiss." Subordinate 1 told us that she responded, "No, I don't want to kiss," and Mr. Gold said "Okay" and went back to cooking dinner. Subordinate 1 told us that they did not kiss at that time. She said that she thought of leaving, but Mr. Gold stopped trying to kiss her, so she stayed and continued working.

Subordinate 1 told us that they had dinner, and as she was putting on her shoes and getting ready to leave, Mr. Gold put his arm up on the door and said, "Hey, so before you leave" and leaned in to try to kiss her again. She said that she yelled, "What the f**k [are] you doing?" and Mr. Gold replied, "I'm trying to kiss you." She told us, "[H]is face touch[ed] my face. ... I guess [he] did kiss me." Subordinate 1 said that she ran out the door and was so upset that she pulled over the car on the way home and was sick on the side of the road.

Mr. Gold told us that toward the end of dinner, he offered Subordinate 1 a kiss on the mouth. He said that she responded with a kiss lasting a couple of seconds, and then he stepped back to see her reaction. He told us that she said, "I think I'm going to go home," and he walked her to the door. He said that he then kissed her once more and gave her a chance to respond again; she said, "I'm going home" and left. He described this incident to us by stating, "I made a sexual advance to her on that night."

Subordinate 1 told us that a couple of weeks later, they spoke about that night at his house, and she asked him, "What were you thinking?" She stated that Mr. Gold said, "Well, you didn't leave the first time, so I figured since [you] didn't leave you were just playing hard to get." Subordinate 1 said that she never thought this would happen to her, and when it did, she did not know what to do. She felt:

so embarrassed you feel so stupid when something happens because in that moment there is no right answer. I mean I could break his nose, sure. I could run away. I could cry. I could report it. Nobody knows what to do. It just happens and you try to deal with it. And you also know that there's so much retaliation and punishment, and your reputation because he gossips and talks so much, there was always an element of this person [who] could destroy the career I'm working so hard to build. So I don't want to get on his bad side. I don't want him to talk about me the way he talks about other women to me, the way he talks about other people to me. Because he's really a bad gossip and so you were always worried that I'd rather keep him happy than have him be angry with me. And so if I don't let him kiss me but I still act cool, we're going to be fine. ... you don't want a target on your back, just not with somebody like that.

Additionally, Subordinate 1 said, “I say with conviction that I am not the first or last person Mr. Gold will sexually harass in his career.”

[REDACTED]

In this section, we describe the events leading up to Mr. Gold and Subordinate 1 having [REDACTED] at Mr. Gold’s house. We provide their recollections of that night from the happy hour when they consumed alcoholic drinks together until Subordinate 1’s departure from Mr. Gold’s house.

Mr. Gold and Subordinate 1 separately told us that [REDACTED] at his house after a happy hour in Alexandria, Virginia. Based on our review of witness testimony and documentary evidence, we concluded that the happy hour took place on April 13, [REDACTED].²²

Subordinate 1 told us that she, Mr. Gold, and [REDACTED] sat outside a restaurant in Alexandria and had two or three appetizers and drinks. Subordinate 1 told us that she thought she had a salad and two glasses of wine. She tried to remember if she had a third drink but could not recall, and she said that all she remembered was feeling drunk. She said, “I would have definitely gone to the restroom at least once. My drink definitely would have been unattended.” Subordinate 1 told us that she recalled the happy hour ended around 6:30 p.m., but she did not remember if she and Mr. Gold stayed or left at that time.

Mr. Gold said that toward the end of the evening, Subordinate 1 said, “Hey, Rob [Mr. Gold], if I have another drink, I’ll be drunk, and I have [to] come to your place.” Mr. Gold said that he told her, “Well, okay. I obviously don’t want you driving drunk. So if you think you had too much to drink, you’re welcome to come over.” Mr. Gold told us that Subordinate 1 said, “No, no. You don’t understand. If you order me to have another drink, I will be drunk, and I must come to your place.” Mr. Gold said he thought that was a little strange and told her, “Well, you’re certainly welcome to have another drink, and you’re welcome to come to my place, and in fact, anybody here who’s had too much to drink [is] welcome to come stay at my place.” Mr. Gold told us that Subordinate 1 said a third time, “No, no. Rob, you don’t understand. If you order me to have another drink, I will be drunk, and I must come to your place.” He stated that he said to Subordinate 1, “[Y]ou seem to really want to have this drink. Go ahead and have the drink.” Mr. Gold said that he believed that she then had another glass of wine.

Subordinate 1 told us that she said to Mr. Gold, “I don’t know what’s going on, but I don’t think I can drive home.” He replied, “Well my place is just a half a mile away so just come there until it wears off.” Subordinate 1 told us, “I mean I must have gotten in my car and driven the little half-mile to his house because my car was there. And then it just kind of all—it was kind of all lights out.”

²² There is a discrepancy in the dates reported [REDACTED]; Subordinate 1 states April 13, [REDACTED] but Mr. Gold states May or June [REDACTED]. Subordinate 1 [REDACTED]. We note that two happy hours occurred in April and July [REDACTED] based on documentary evidence. Two witnesses confirmed that the year of the happy hour in which everyone was present was [REDACTED]; one of these witnesses specified the month of April. We use April 13, [REDACTED] as the most likely date of this event.

Mr. Gold told us that he was not drunk but that he did not recall how much he drank or how much Subordinate 1 drank at the happy hour. He told us that he did not see any signs that she was drunk—she did not have slurred speech and she was not staggering. He also told us that she drove to his house and that he could not remember whether he walked home or rode with her. He said that he lived only about a tenth of a mile from the restaurant.

Mr. Gold said that once they entered his house, Subordinate 1 was all over him, kissing him. He said, “Let’s just say she was the aggressor under those circumstances.”

Subordinate 1 told us that she vividly remembers being on the sofa at Mr. Gold’s home.

Mr. Gold told us that they “made out” on the couch for a while [REDACTED]. Subordinate 1 told us that at some point, she realized “that he was with me [REDACTED], and I remember him saying something about waiting for his [REDACTED].” She told us that she did not know the exact [REDACTED] but could only assume it was [REDACTED] because Mr. Gold brought up the [REDACTED] topic in the office days after [REDACTED].²³

Subordinate 1 told us that she remembered waking up in Mr. Gold’s “big corner bathtub,” both of them naked, and that he was behind her with his legs and arms around her “almost like you would hold your lover or like a spouse.” She said:

And I was still like feeling really kind of woozy and sick but also wide awake. Like it was kind of a mixture of weird and I just remember jumping out of the bathtub and putting my clothes on and running out of his house. Like I don’t even think I said anything. I just remember like frantically finding my clothes and running down his stairs and leaving and getting in my car, and I was just crying like hysterically.

Mr. Gold stated [REDACTED] he was tired and she seemed to have a lot of energy, and he was “left with the impression that she was looking for somebody else to hang out [with].” He told us that she left around 1:00 a.m. or 2:00 a.m.²⁴

Subordinate 1 said that once she got to her house, she began vomiting in her shower and tried not to cry. She told us that she did her best to keep it all in, not telling her [REDACTED] what had happened with her boss. She thought that her [REDACTED] would leave her, nobody would believe her, and she would lose her job. Subordinate 1 told us that initially she managed her anxiety because she did not have to see Mr. Gold face-to-face due to the COVID-19 pandemic, and she might possibly never see him again because of a pending OUSD(R&E) reorganization. She said that she had to [REDACTED] because “hearing [Mr. Gold’s] voice on telecon[ference]s made me physically ill,” having diarrhea or vomiting.²⁵ Subordinate 1 told us that she eventually told [REDACTED] the truth about what happened, months later.

²³ [REDACTED]

²⁴ Subordinate 1 said that she must have left between 9:00 p.m. and 10:00 p.m.

²⁵ [REDACTED]

[T]hat's when I was starting to crack because that's when [the] [OUSD]R&E [was] saying, "Hey, we're probably going to start bringing people back to the office." And I got so overwhelmed thinking about having to come back to work with him and then saw in the reorg that I would still be on his team ... [...] I thought that if I'd just hung in there that it would go away and then I realized that it wasn't all going away. It wasn't going away [in] my head. It wasn't going away at work. He wasn't going away, nothing was going away, and I realized I had to start facing it, but it took some time to get there. It took some time to get there [REDACTED]. It took some time to get there with my [REDACTED].

Subordinate 1 told us that she was trying to think back to what had happened that night, but she had a hard time piecing everything together. She said that she would only get glimpses or snapshots of memories from that night. She also said that recently, she was looking at everything that happened and felt:

like you're getting groomed to where this person brought you on and protected you because that's very much what he put out to the universe was that, "[Subordinate 1]'s under my protection. You don't mess with [Subordinate 1]. She's under my protection." That's a sense everybody at work gets. Like I'm the teacher[s] pet. I'm under his protection. Don't mess with [Subordinate 1]. [...] Like it's good when anybody has your back, but looking back over the years of how everything progressed, I can definitely see the protection almost shifting to like an ownership and that was odd. Feeling like that sense of like "she's mine."

Mr. Gold told us that he [REDACTED] Subordinate 1 for two reasons. He stated that the first was a lapse in his judgment caused by personal and professional stress at the time; the second was that Subordinate 1 was quite self-promoting and forward with her [REDACTED] life. He said that Subordinate 1 would come to meetings and say, "Oh look how talented I am, look how attractive I am. Look how [REDACTED]." He also said, "So and [sic] in my experience, when that kind of self-promotion goes on, there's an interest that goes beyond just something professional." Mr. Gold told us that he had mixed emotions from the interaction that night. He also said, "[H]ere's someone [Subordinate 1] who seems to be portraying a personal interest, a personal interest in me," and he wanted Subordinate 1 to "either show that the interest [was] real, or stop conveying the interest in the office."

Mr. Gold's Conduct Toward Subordinate 1 [REDACTED]

Mr. Gold's Comments About Using [REDACTED]

Subordinate 1 told us that a couple of months after [REDACTED], she was on her way to a meeting and stopped at Mr. Gold's office, and he said to her that he no longer needed [REDACTED] or his pornography habit because [REDACTED]. She said that she felt that Mr. Gold brought this up to her in case she remembered him "waiting for his [REDACTED] [REDACTED]" before [REDACTED]. She said that this was "another level" type of comment compared to other comments that he made in the workplace, such as "Oh, I hooked up with a hot chick this weekend."

Subordinate 1 also told us that because she was still “shell-shocked” by his [REDACTED] comment, when she got to the meeting, she told two colleagues what Mr. Gold had said to her. Although those two colleagues told us that they remembered having a conversation with Subordinate 1 regarding Mr. Gold’s alleged comment, they said that they could not remember specific details about the conversation. One witness remembered that Subordinate 1 “was pretty upset,” but that if she mentioned specific details, “it wasn’t horrendous enough” for the witness to have reacted to it. The other witness remembered that “there was innuendo and overtone” in what Subordinate 1 shared and that it seemed to be inappropriate, and she remembered that what Subordinate 1 reported Mr. Gold had said to her made Subordinate 1 uncomfortable.

Two other witnesses told us that Subordinate 1 shared Mr. Gold’s [REDACTED] comments with them. One witness said that Subordinate 1 told the witness that Mr. Gold once walked into her office and said, “Great news, I don’t need to be [REDACTED] anymore because I stopped watching pornography and [REDACTED].” The second witness told us that, according to Subordinate 1, Mr. Gold told her something to the effect of Mr. Gold not needing “to watch porn anymore ... because he was [REDACTED] now and ... [REDACTED].” Both witnesses said that Subordinate 1 was very upset; one witness added that Subordinate 1 was afraid to report it.

We asked Mr. Gold to respond to the assertion that he made the statement, “I could kick [REDACTED] and my pornography habit [REDACTED].” Mr. Gold said, “[T]hose things are all things that are going on in my personal life.” He also told us that he did not remember “where that was said or when that was said” nor having that conversation with anyone, and if he commented further, he would be speculating.

Separately, another witness from an external agency, [REDACTED], told us that Mr. Gold told her about his loveless marriage and that he watched pornography. He also told her that he was on [REDACTED], “kind of blaming his [ex-]wife.”

Telephone Conversations Between Subordinate 1 and Mr. Gold [REDACTED]

Subordinate 1 told us that she called Mr. Gold twice after the event to discuss the night of [REDACTED]. Subordinate 1 said that she first called Mr. Gold in [REDACTED], a few months after the incident, and asked him, “Hey that night of that happy hour did something happen?” He responded, “Well yeah, something happened.” Then she told us that she said to him, “We probably need to talk about it.” He responded, “It’s not a big deal. Like I don’t know why we need to talk about it. It happened. It is what it is. It’s not a big deal. Like we’re adults.” When he became dismissive, Subordinate 1 said that she told him that she did not want to talk about the night of the [REDACTED]. She told us that at the time of the call, she was not ready to confront Mr. Gold.

Subordinate 1 told us that she made a second call to Mr. Gold on March 23, 2022, because she knew that the next day, Mr. Gold was going to be placed on special assignment to the Missile Defense Agency. She said that she wanted to have evidence, and this was her last opportunity

to get Mr. Gold to admit they [REDACTED]. Subordinate 1 also said that she recorded the telephone conversation, because she was afraid that no one would believe her and that Mr. Gold would retaliate against her, especially once he figured out what was going on with the special assignment.²⁶

Subordinate 1 provided us a recording of the telephone conversation in which she told Mr. Gold that she and [REDACTED] had been having [REDACTED], and that evening they were supposed to talk about sex, infidelity, and honesty. Subordinate 1 said that she told Mr. Gold she was calling him to confirm that they [REDACTED] after a happy hour.²⁷ Subordinate 1 asked Mr. Gold, “We did [REDACTED]?”, and he said, “Yes.” We include relevant excerpts of this telephone conversation in Table 2.

Table 2. March 23, 2022 Telephone Conversation Excerpts from Mr. Gold and Subordinate 1

Quotes*	
Mr. Gold	How drunk were you [Subordinate 1]? I don’t remember you being that drunk, but?
Subordinate 1	I was pretty drunk. So—
Mr. Gold	Oh, well, do you feel like—what are you trying to say? Do you feel like it was between two consenting adults, or do you feel it was coerced?
Subordinate 1	I guess drunkenly I probably consented.
Mr. Gold	[laughing] Well let’s talk about—hold on. Let’s talk about you and I first. Do you feel like, what am I trying to say? Yes, it was inappropriate for a boss to [REDACTED] one of his employees [inaudible]. That aside, do you feel like I coerced you or took advantage of you? ... I—do you—because if you do, I don’t want to leave you feeling that way. Right?
Subordinate 1	I guess I just have put it in the back of my mind, so it hasn’t affected my ability to do my job or anything. ... COVID helps. I think had it not been COVID, I wouldn’t have been able to come back in the office for a while because I was embarrassed.
Mr. Gold	Oh, but, well let’s just say, nobody, I have never spoken a word of it to anybody. So, if you were worried about that, if you were worried about you and I. I guess maybe being older, I have a little bit different perspective on that stuff perhaps. So [the audio ended abruptly].

Source: The DoD OIG.

* Not all excerpted quotes follow a question-and-answer flow. We bolded selected quotes for emphasis.

Subordinate 1 told us that when she responded to Mr. Gold, “I guess drunkenly I probably consented,” she did not know what to say to him on the phone at the time but was sure she did not consent [REDACTED] with him. Subordinate 1 told us that after she stopped the recording, the conversation continued and that the last thing they discussed was Mr. Gold telling her that in “his experience [REDACTED] was just a thing and I shouldn’t let it bother me” and “when I’m older I’ll realize that it’s just [REDACTED] and it’s not a big deal.”²⁸

²⁶ We reviewed the audio recording. It lasted 3 minutes and 49 seconds and ended abruptly. Subordinate 1 told us that an initial text or phone call was made to arrange the phone call that was recorded.

²⁷ Virginia and Washington, D.C., both permit recordings with the consent of one party to the conversation.

²⁸ Subordinate 1 told us that she turned off the recorder because she felt that she got what she needed and that she did not want to keep the conversation going.

When we asked Mr. Gold about the phone call, Mr. Gold told us that in the March 2022 call, Subordinate 1 started the conversation by saying, “You got me drunk. Don’t you remember?”²⁹ He said that initially he thought Subordinate 1 was concerned that someone found out he [REDACTED] with Subordinate 1 and that she was calling because she had some suspicion that collectively they would get in trouble. Mr. Gold told us:

And knowing that I didn’t get her drunk, that really put my suspicion behind the whole conversation because like I said before, the drinks were her insistence, not my idea. So that kind of put me on a little bit of caution for the whole conversation.

Mr. Gold told us that Subordinate 1 was angry and adversarial in the beginning of the conversation, telling him that he was behaving poorly, with a “You’re a bad person” tone. Mr. Gold also told us that he said to Subordinate 1, “Look. We were two consenting adults. We made a mistake, right. And I didn’t tell anybody.” He said that the conversation moved from the night [REDACTED] to him talking about “some of these [REDACTED] that I’ve had in the office.”³⁰ He told us that for each topic they discussed, he remained calm and talked her through it, during which she became less adversarial.

Workplace Perceptions of Mr. Gold’s Relationship with Subordinate 1

Of the 26 witnesses who worked in the office spaces or had regular observances of Mr. Gold’s relationship with Subordinate 1, 10 described the relationship they observed as “close,” “personal,” “very friendly,” or “friendship outside of work.” Two witnesses described a flirtatious or forward relationship on behalf of Subordinate 1 toward Mr. Gold. The other 14 witnesses told us that either they did not know of an out-of-the-ordinary work relationship between Mr. Gold and Subordinate 1, or they did not know of a close relationship between Mr. Gold and any particular staff members. Of the witnesses who described a close relationship between Mr. Gold and Subordinate 1, the following descriptions represent what we found.

- “[T]here was a definite sense that [Mr. Gold] knew [Subordinate 1] better than he knew anyone else that he was working with, and [Subordinate 1] knew Mr. Gold better than any one of the rest of us knew Mr. Gold. And they would even make comments once in a while about how they can say things to each other that other people can’t say to each other.”
- Mr. Gold’s and Subordinate 1’s relationship provided Subordinate 1 an “inside angle on getting decisions, ... getting [his attention on] her programs or initiatives.” Subordinate 1 had “a way of short-circuiting processes that we were trying to follow because she could have these conversations” with Mr. Gold.

²⁹ Mr. Gold’s descriptions of the conversation were not part of the audio recording provided by Subordinate 1.

³⁰ Mr. Gold told us that he [REDACTED]. We provide these details in Appendix B.

- Subordinate 1 made “things inappropriate and awkward” when Mr. Gold was present, and she “was the only ... woman in the office who would really like to get a different reaction from [Mr. Gold].” Subordinate 1 was “really friendly” with Mr. Gold and “seemed to know so much about his life.”
- “[Mr. Gold and Subordinate 1] ha[d] a personal friendship” and “sometimes they were very tense.” Subordinate 1 would raise her voice to Mr. Gold, and it would escalate back and forth until Mr. Gold would tell her to “stop.” Subordinate 1 would cry that Mr. Gold was mistreating her but then would call Mr. Gold and say, “[O]h, you’re the best boss I ever had.”
- Subordinate 1 told one witness there might be rumors of a relationship between Mr. Gold and Subordinate 1, and they were not true. Subordinate 1 said that Mr. Gold was “the head,” she was “the neck,” and she was moving Mr. Gold wherever she wanted because [Subordinate 1] was the one in control.
- Mr. Gold and Subordinate 1 were very friendly, but “then the tides turned, and they weren’t friendly anymore.” They were both going through [REDACTED] and probably had heightened emotions. The tension between Mr. Gold and Subordinate 1 at meetings was on the edge of being rude to each other.
- Subordinate 1 consistently stroked Mr. Gold’s ego by telling him “how wonderful he was” and “why he was wonderful.”
- Subordinate 1 acted as if she and Mr. Gold had a relationship. Although Mr. Gold acted as his “usual self” and not as if he had a relationship with Subordinate 1, “she was so clingy and so we were like, ‘She acts like she is his woman.’”

Mr. Gold’s Response About Workplace Perceptions

Regarding workplace perceptions that the inappropriate relationship led to preferential treatment, Mr. Gold told us, “I think because of the kind of ready access and the long-standing relationship [with Subordinate 1], I could see how that would be perceived [in the office].” Mr. Gold said that he was not aware of any staff perceptions about his relationship with Subordinate 1 because no one brought any complaints or concerns to his attention.

Mr. Gold also told us that his [REDACTED] other subordinates who reported directly to him were independent, while Subordinate 1 became the exception because she was new and was struggling personally. He said that he tried to treat Subordinate 1 similarly to her peers and not show any favoritism to any one of them.

Preliminary Conclusions on Sexual Harassment of Subordinate 1

We substantiated that Mr. Gold sexually harassed Subordinate 1 in violation of DoDD 1440.1. DoDI 1020.04 also prohibits unlawful discriminatory harassment based on conduct of a sexual nature. Additionally, DoD 5500.7-R, “Joint Ethics Regulation (JER),” August 30, 1993 (Incorporating Changes 1-7, November 17, 2011), requires that DoD employees be treated with courtesy, kindness, dignity, and respect. Mr. Gold’s behavior toward Subordinate 1 violated these standards.

We determined that Mr. Gold engaged in a pattern of sexually harassing behavior toward Subordinate 1 over a period of about 15 months, [REDACTED]. Mr. Gold’s verbal statements to her included sharing his dating stories and sexual habits with her, making demeaning gender-based comments toward her, and making sexually explicit comments about his [REDACTED] and his pornography viewing habit. His harassing behavior escalated to making physical contact of a sexual nature toward Subordinate 1, and [REDACTED] after both of them consumed alcohol.

Mr. Gold admitted to us that he made sexual advances toward Subordinate 1, kissed her, and [REDACTED]. Mr. Gold said, “The one inappropriate relationship that I highly regret and acknowledge was inappropriate [REDACTED] [Subordinate 1].” He described his actions as a lapse in judgment, and in a conversation with Subordinate 1, Mr. Gold admitted, “[I]t was inappropriate for a boss to [REDACTED] one of his employees.” Mr. Gold also told us that [REDACTED], use of [REDACTED], and a pornography viewing habit were things going on in his life at that time and that he did not recall to whom he made these comments.

Mr. Gold’s overall course of conduct toward Subordinate 1 over about a 15-month period constituted sexual harassment that interfered with Subordinate 1’s work performance. Mr. Gold created a work environment that caused her distress, caused her to become physically ill on multiple occasions, and resulted in [REDACTED] anxiety about facing him at work. Subordinate 1 also feared Mr. Gold would negatively affect her professional career.

Mr. Gold’s Response to Our Preliminary Conclusions

Through his attorney, Mr. Gold stated that the report contained only a handful of perceived negative occurrences between Mr. Gold and Subordinate 1 that were “taken out of context.” He described his conduct toward Subordinate 1 as consensual and asserted that she “overtly encouraged” him by discussing her own personal life, [REDACTED], childhood events, and [REDACTED].

Mr. Gold further asserted that our preliminary report omitted Subordinate 1's discussions with him about these topics, and that this was an example of bias against him. We reviewed our preliminary report and confirmed that it included details about his discussions with Subordinate 1. These details remain in this final report.

Mr. Gold further stated that after his "one isolated instance with [Subordinate 1]," for which he felt severe remorse, he refused two additional advances from her. Mr. Gold asserted that the first event took place during a private discussion in his office 2-3 months after the happy hour, and in this discussion Subordinate 1 told him that she previously fantasized about herself and Mr. Gold [REDACTED] in his office. Mr. Gold said that the second instance was in a work email from Subordinate 1 in which she wrote that "some rules" needed to be established if they continued a long-term relationship. Mr. Gold asserts that he "declined to respond to either statement" from Subordinate 1.

Mr. Gold stated that our report omitted these details and this indicated bias against him. We reviewed Mr. Gold's interview transcript and previously collected evidence and found that, during our interview, Mr. Gold did not tell us about these alleged instances. We reviewed Mr. Gold's and Subordinate 1's work email and did not find the email from Subordinate 1 that Mr. Gold described concerning "rules." Following our standard practice, at the end of Mr. Gold's interview, we encouraged him to contact us if he remembered anything else or wanted to provide additional information to the investigation, but he did not contact us until his written response through his attorney to our preliminary conclusions.

Mr. Gold also asserted that investigators showed bias against him by not following up with anyone who attended the happy hour to confirm Subordinate 1's actions and intoxication. We reviewed witness testimony and confirmed that we interviewed witnesses who attended Mr. Gold's happy hours, including two who attended the specific happy hour Mr. Gold referenced. These witnesses did not observe Mr. Gold, Subordinate 1, or any staff members being intoxicated or engaging in inappropriate behavior.

In his response through his attorney, Mr. Gold denied that he used expletives when referencing his ex-wife. He also denied that Subordinate 1 made expletive-filled demands that he stop kissing her. Mr. Gold stated that Subordinate 1 had a "habitual misleading behavior" and was the one who introduced the term "hot blonde" when Mr. Gold mentioned in conversation with her that he had a date. He asserted that because Subordinate 1 introduced the term, she has no basis to claim the remark was offensive. However, we reviewed witness testimony and our preliminary report and confirmed that multiple witnesses testified that Mr. Gold talked about his dates and made the "hot blonde" comment, and Mr. Gold admitted in his interview that it was likely that he made those statements about dating a "hot blonde."

Lastly, Mr. Gold asserted in another example that Subordinate 1 tried to "trap" him into "taking poor positions" when she initiated discussions, via electronic messages, about the reputation of a new political official during virtual meetings. He stated that he mentioned

this during his interview, but there was no sign in the preliminary report that investigators followed up with this matter. We reexamined Mr. Gold's testimony and found that he made a similar remark in his testimony about what he referred to as Subordinate 1 trying to "trap" him. We also reexamined other evidence and found no communications from Subordinate 1 that could justify Mr. Gold's sexually harassing behavior toward Subordinate 1.

Mr. Gold was a senior executive and Subordinate 1's supervisor, and he was responsible for maintaining a professional work environment for all his employees. He failed in this responsibility by injecting sexual harassment into the workplace through making inappropriate and demeaning comments, and engaging in an inappropriate relationship with an employee over whom he held a position of power.

Final Conclusions on Sexual Harassment of Subordinate 1

Although Mr. Gold's response to our preliminary conclusions provided some additional detail about Subordinate 1's interactions with and comments to him that he had not provided in his interview, the additional details did not change our finding, by a preponderance of evidence, that Mr. Gold sexually harassed Subordinate 1. Mr. Gold admitted to us that he made sexual advances toward Subordinate 1, kissed her, [REDACTED]. He described his actions as a lapse in judgment, and told Subordinate 1, "[I]t was inappropriate for a boss to [REDACTED] one of his employees." We agree. We also found that the evidence Subordinate 1 provided that Mr. Gold's sexual advances were unwelcome outweighed the evidence Mr. Gold proffered in his response that they were welcome. Mr. Gold admitted to us, in the context of what he considered potential mitigation, [REDACTED], use of [REDACTED], and a pornography viewing habit were "all things that [were] going on in my personal life" at the time.

After carefully considering Mr. Gold's response, reexamining our evidence, and reviewing our investigative process, we concluded that Mr. Gold engaged in an overall course of conduct over a 15-month period in which he sexually harassed Subordinate 1, creating an intimidating, hostile, and offensive work environment for her. In addition, Mr. Gold failed to treat Subordinate 1 with dignity and respect.

B. Mr. Gold's Conduct Toward Subordinates 2 and 3

The complaints alleged that Mr. Gold made inappropriate gender-based comments to female employees and openly discussed his dating life. Additionally, the complaints alleged that Mr. Gold displayed increasingly frequent "outbursts" of unpredictable and inappropriate behavior toward female subordinates.

The DoD does “[n]ot tolerate or condone harassment, to include harassment that is not unlawful but adversely affects the work environment.”³¹ DoDI 1020.04 states that “[b]ehavior that is unwelcome or offensive to a reasonable person and that interferes with work performance or creates an intimidating, hostile, or offensive work environment is prohibited.” Examples of prohibited harassing behaviors include offensive jokes, insults, name-calling, and stereotyping.

This section summarizes the information from our interviews of Mr. Gold and 24 witnesses who had direct interaction with Mr. Gold or had information relevant to the allegations. We reviewed government cell phone records and electronic files, including emails, instant messages, and documents, for information related to the allegations. See Appendix B for information provided by the witnesses about other aspects of Mr. Gold’s conduct that we did not substantiate as violations of DoDI 1020.04 but are concerning.

Comparing Female Subordinates to His Ex-Wife

██████ female subordinate employees told us that Mr. Gold compared them to his ex-wife. Each of these subordinates felt that the comparison was used negatively because of the context. Mr. Gold told us that there were things about his ex-wife that he obviously did not like. Earlier, in section A, we provided Subordinate 1’s account of being compared to Mr. Gold’s ex-wife. In this section, we provide the testimonies of ██████████ subordinates (Subordinates 2 and 3), who felt that Mr. Gold did not trust them anymore. Subordinate 2 told us that she felt personally attacked, while Subordinate 3 told us that she felt “penalized” by Mr. Gold.

Subordinate 2 told us that Mr. Gold once called her and said that she “was like his ex-wife” because according to him, she would “tell him one thing to his face or agreed to do something to his face and then do something different behind his back.” Subordinate 2 said that she told Mr. Gold that she had informed him based on the best information she had at the time. She said that she also told Mr. Gold, “Sir, I don’t appreciate that. You’re basically calling me a liar and I’m not lying.” She told us that Mr. Gold said, “Enough,” and moved on. Subordinate 2 told us that she never had a supervisor talk to her that way in her career of over 20 years, and although she had thick skin, she felt that he had disrespected and demeaned her.

Subordinate 2 said that Mr. Gold’s behavior created a “toxic” environment. She told us that his comments put her “on edge” because she feared that Mr. Gold would say inappropriate things in front of her colleagues that would have been “embarrassing.” Subordinate 2 described trouble sleeping, difficulty handling the long hours and stress of the job, and anxiety over taking time off for a medical issue because of fears that Mr. Gold would attack her team while she was away. She also said that she had a high level of fear of reprisal from Mr. Gold and had concerns that he would transfer her out of her position.

³¹ DoDI 1020.04, para 1.2.a.

Four witnesses told us that they either heard Mr. Gold comparing Subordinate 2 to his ex-wife or that Subordinate 2 told them about what he said.

- The first witness told us that Mr. Gold compared Subordinate 2 to Mr. Gold's ex-wife on more than one occasion. The witness explained that Mr. Gold tried to "draw some kind of a parallel between [Subordinate 2's] responses to the way he related with his wife," which the witness believed to be a "very unpleasant marriage environment."
- The second witness told us that in the summer of 2022 during a virtual meeting, Mr. Gold said to Subordinate 2, "[Y]ou act like my ex-wife," or "[Y]ou remind me of my ex-wife." The witness said, "[T]he comment itself just seemed very unprofessional, unbecoming of an SES especially."
- The third witness told us that Subordinate 2 once mentioned to him that Mr. Gold "accused her of lying, just like [his] ex-wife." The witness told us that Subordinate 2 stated she was "livid," "felt thoroughly disrespected," and "felt like it was an inappropriate comparison to make." The witness told us that Subordinate 2 explained that Mr. Gold would refer to his ex-wife in an unflattering way and that they were "not on amicable terms."
- The fourth witness told us that Subordinate 2 mentioned that Mr. Gold compared her to his ex-wife and accused her of lying, telling her, "[Y]ou're lying about what you're telling me. This isn't true. This is inaccurate."

Subordinate 3 told us that Mr. Gold once compared her to his ex-wife. She said, "[T]he whole office tended to be a very jovial office where people teased one another." Mr. Gold told her that she could not tease him, because her teasing was like his ex-wife's teasing and that because of that, he no longer trusted her (Subordinate 3). She told us that before his sudden change in behavior, she had a good working relationship with Mr. Gold for the couple of years that she worked for him. Subordinate 3 also told us that since Mr. Gold no longer trusted her, he was no longer going to allow her to represent the office in any meetings. She said that she felt segregated with no visibility, as if she was penalized for his perception of something she said. She also said that she no longer wanted to work for him and that "there was no other way out but to get another job." Subordinate 3 told us that she "immediately started looking for another job" and left the OUSD(R&E) approximately 6 months after this incident.

Mr. Gold's Response About Comparing Female Subordinates to His Ex-Wife

We asked Mr. Gold about allegedly orally comparing his female subordinates to his ex-wife. Mr. Gold told us that he did not "recall specifics of that." We asked him specifically about the assertions that he told his subordinates that they were like his ex-wife, lied to his face, or would "do one thing to [his] face but then do something different behind [his] back." He told us that he did not recall specifics and did not recall making the statements.

Mr. Gold added, “It’s not the norm for me to be that pejorative.” We asked him if he remembered referring to his ex-wife, and he stated:

I can’t tell you [that] I didn’t. I just don’t ... remember the specifics about any particular circumstance to be able to give you truthful insights. [...] So I can’t deny that I never said anything like that. There were some things about my ex-wife that I ... didn’t necessarily—well obviously I didn’t like, right? Because we’re [divorced] now but what the specific behaviors were at the time on the part of the staff I—if I made those comments, it was more of an attempt to make light of the situation as opposed to kind of continue harping on the whole thing but ... that might have been a poor choice of words. I don’t know.

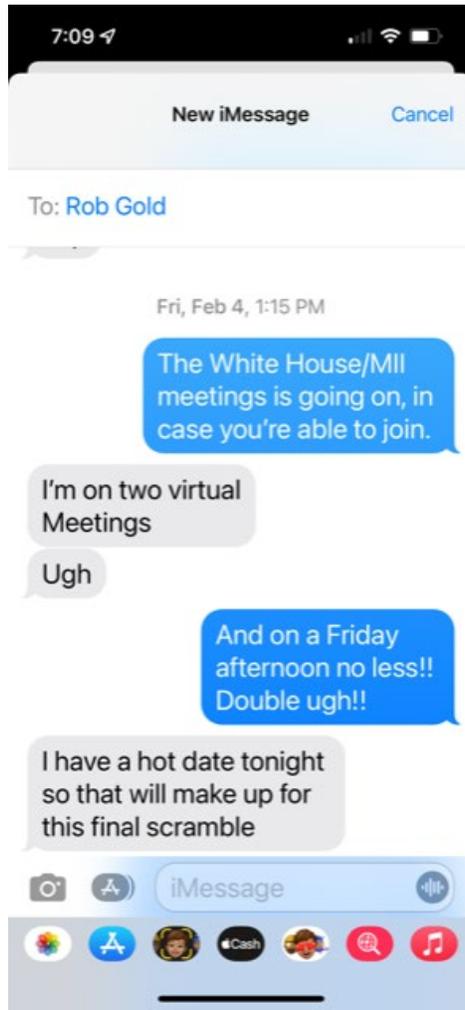
Mr. Gold told us that while he did not remember making comments to Subordinate 3, he never sensed from her any hesitation to continue working for him. He also told us that he was not aware of anyone leaving their job because of an issue with him. He said that people left because they were furthering their careers, and he encouraged them to do that.

Comments to Subordinates About His Dates with Women

Fifteen witnesses told us that Mr. Gold talked about his dates with women during staff and one-on-one meetings or within the office spaces. Some witnesses told us that during office meetings, Mr. Gold commented about his dates with women, but they could not recall specific examples due to the passage of time. Earlier, in section A, we discussed Mr. Gold’s conversations with Subordinate 1 about his dating and personal life. In this section, we list Mr. Gold’s comments to other witnesses, including Subordinate 2, about his dates with women.

- Subordinate 2 told us that on a Friday afternoon as she was preparing a package for Mr. Gold, she asked him if he would be available when she finished. She said that he responded with something like “Yeah, but I need to leave by this time. [...] I have a hot date with a hot ... ” 40- or 50-year-old or something.
- On February 4, 2022, Mr. Gold texted Subordinate 2, “I have a hot date tonight so that will make up for this final scramble[.]” See a copy of the text message in the following figure.

Figure. Mr. Gold and Subordinate 2, February 4, 2022 Text Message



- One witness told us that Mr. Gold shared “a little bit more than other people” might have shared, like “I took a lady to dinner last night and it was fun. And we had drinks. And we’re going to go out again on Saturday.” The witness also told us that Mr. Gold would say things like “this brunette or this blonde that I went on a date with or something,” or “I’ve got a hot blonde that I’m going on a date with tonight.” The witness said that the staff responded by either ignoring him or laughing at him, saying among themselves that “Mr. Gold [was] being Mr. Gold again.”
- A second witness told us that Mr. Gold bragged about his dating “conquests” and that she did not like knowing about his “love life,” which she said was “apparently very active.” She also said, “He has a reputation for ... being [a] lothario.”³²

³² The Cambridge Dictionary defines “lothario” as a man who has sex with a lot of different women.

- A third witness said that in the wake of Mr. Gold's breakup with his girlfriend, Mr. Gold would talk about the number of dates he had over a weekend. The witness also told us that Mr. Gold would talk about his dates just before the start of staff meetings. For example, when Mr. Gold talked about his dates at the beginning of conference calls, there would be an awkward silence among the staff. The witness described Mr. Gold's comments as "out of place."

Mr. Gold's Response About His Dating Comments to Subordinates

We asked Mr. Gold to respond to the assertions that he told subordinates, "I went out with a hot chick this weekend" and "I went out with a smoking hot 50-year-old chick." Although he could not remember the specifics or the context, Mr. Gold responded that it was possible or likely that he made those statements. However, he also said, "[T]hat would have been something that I would have said to somebody one-on-one that would have been appropriate for the nature of the ... personal things that we talked about."

Mr. Gold told us that he shared with his staff things he did on the weekends as an "icebreaker." He told us:

[F]or me, it was an icebreaker. It was a chance to just kind of let people share a little bit about what they did, but because my activities especially on the weekends were tied to relationships that the two kind of went hand-in-hand. But ... I tried not to go on and on about the details about my relationship.

Mr. Gold told us that if there was a reason for him to talk about his dating life in a one-on-one meeting, "it would be tailored to what the staff member would relate to." For example, if someone talked about their kids, he might have shared an anecdote about his kids.

Mr. Gold's Overall Response to the Harassment Allegation

Mr. Gold told us that he had very good professional relationships with the women in his office. He said that, aside from his relationship with Subordinate 1, he generally considered his relationships with women "to be professional, and upstanding, and within the norm of acceptable behavior for what would happen in the office."

Mr. Gold also told us:

I believe that ... the one thing about all of this that I truly regret is engaging in [an] inappropriate relationship with [Subordinate 1]. [...] And as to the best of my ability as the [DoD sexual harassment] policies have come out ... I tried to be responsive to those and align my behaviors to those.

Preliminary Conclusions on Harassment Adversely Affecting the Work Environment for Subordinates 2 and 3

We substantiated that Mr. Gold harassed Subordinates 2 and 3 when he made gender-based demeaning comments directed toward them, creating an intimidating, hostile, and offensive work environment for them, and failing to treat them with dignity and respect. Mr. Gold's conduct included gender stereotyping, insults, and put-downs towards these two female employees. DoDI 1020.04 prohibits unlawful discriminatory harassment based on conduct of a sexual nature. Additionally, DoDI 1020.04 prohibits behavior that is offensive to a reasonable person and that interferes with work performance or creates an intimidating, hostile, or offensive work environment. DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 30, 1993 (Incorporating Changes 1-7, November 17, 2011), requires that DoD employees be treated with courtesy, kindness, dignity, and respect. Mr. Gold's behaviors described in this report violated these standards.

While Mr. Gold's comments to Subordinates 2 and 3 were not explicitly sexual in nature, his statements to these female subordinates constituted demeaning gender-based behavior that violated DoD standards when he:

- told them they were "like his ex-wife," whom he described as a "hateful b**ch";
- accused one subordinate of lying to him when he disagreed with what she was telling him; and
- told one subordinate that he no longer trusted her because her teasing was like his ex-wife's teasing.

Mr. Gold's comments were demeaning to Subordinates 2 and 3 and reflected gender stereotyping, insults, and put-downs that are prohibited by DoDI 1020.04. These comments are forms of prohibited harassment and do not reflect the dignity and respect with which employees should be treated in the workplace.

We concluded that Mr. Gold's conduct created an intimidating, hostile, and offensive work environment for Subordinates 2 and 3. As with Subordinate 1, he repeated his comments likening Subordinates 2 and 3 to his ex-wife. Subordinate 2 felt demeaned by Mr. Gold accusing her of lying and telling him half-truths and felt personally attacked by Mr. Gold. His behavior interfered with Subordinate 3's work performance, because Mr. Gold abruptly and in response to teasing that was "like his ex-wife's" did not allow her to represent the office in meetings. This caused Subordinate 3 to search for another position, and she left her job. Evaluated under the totality of the circumstances, Mr. Gold's behavior adversely affected the work environment of both Subordinates 2 and 3.

Through demeaning gender-based comments and angry interactions directed at women, Mr. Gold engaged in an overall course of harassing conduct toward Subordinates 2 and 3 that created an intimidating, hostile, and offensive work environment for them. Moreover, he failed to treat them with dignity and respect. His conduct violated the applicable standards presented in this report. Accordingly, we substantiated the allegation.

Mr. Gold's Response to Our Preliminary Conclusions

In Mr. Gold's response, he provided additional context for specific events that he discussed during his interview. However, he did not provide new evidence about how he treated subordinates.

Mr. Gold wrote that he made it a point to "highlight activities that occur[red] in the office that might be perceived as showing inappropriate attention to employees." He provided three examples: a platonic relationship with a contractor from a separate office with whom he hiked and cooked dinner; "unusual amounts of time spent at a former executive assistant's desk" where they discussed common interests about Hawaii; and two visits by Subordinate 1 to his house [REDACTED] to complete work-related tasks. Mr. Gold stated that he mentioned these types of activities with subordinates at staff meetings to "defuse suspicions by acknowledging innocent activities in public."

Mr. Gold asserted that he was responsive to complaints from his subordinates about his behavior toward them, and he reiterated two examples that he provided during his interview. One example was Subordinate 2 being offended by Mr. Gold's "one-time movie reference to her as poppet." The second example was Subordinate 2 approaching him with concerns about Mr. Gold's female executive assistant (EA) touching Mr. Gold in the office. Mr. Gold stated in his response to our preliminary conclusions, "These behaviors did not reoccur once I addressed them directly [with the female EA]." We reexamined Mr. Gold's interview transcript and found that Mr. Gold told us that he could not remember who he called "poppet" or that anyone objected to it, and that after the third time the female EA touched him, he told her to stop, and she did.

Mr. Gold further asserted that none of his employees left the organization because of how he treated them. He stated that Subordinate 3 came to him "of her own accord to dispel that rumor directly." However, Subordinate 3 testified to us that she left because she did not want to work for Mr. Gold and she felt there was no other way out for her.

Final Conclusions on Harassment Adversely Affecting the Work Environment for Subordinates 2 and 3

Although in his response Mr. Gold provided more context about his "activities that occur[red] in the office," this additional context did not change the basic facts or our preliminary conclusion by a preponderance of the evidence about his workplace behavior. After carefully

considering Mr. Gold's response, reexamining our evidence, and reviewing our investigative process, we conclude that Mr. Gold harassed Subordinates 2 and 3 when he made gender-based demeaning comments directed toward them, creating an intimidating, hostile, and offensive work environment for them and failing to treat them with dignity and respect.

Overall Conclusions

Mr. Gold engaged in an overall course of conduct in which he sexually harassed Subordinate 1 and made gender-based demeaning comments directed toward Subordinates 2 and 3, creating an intimidating, hostile, and offensive work environment for each of them. In addition, Mr. Gold failed to treat these subordinates with dignity and respect.

Recommendations

Mr. Gold retired from Government service on December 30, 2023. Accordingly, we will provide a copy of our report to the Director, Washington Headquarters Services, for inclusion in Mr. Gold's personnel file.

Appendix A – Standards

DoD Directive 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987 (Incorporating Through Change 3, April 17, 1992)

Section 4.5. Prohibits discrimination based on sex and applies to civilian employees and applicants in the Office of the Secretary of Defense (OSD) and activities supported administratively by the OSD, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Defense agencies, the Army and Air Force Exchange Service, the National Guard Bureau, the Uniformed Services University of the Health Sciences, the Office of Civilian Health and Medical Programs of the Uniformed Services, and the DoD Dependents Schools.

Enclosure 2, “Definitions”

E2.1.10. **Sexual Harassment.** A form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

E2.1.10.1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career; or

E2.1.10.2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

E2.1.10.3. Such conduct interferes with an individual’s performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

DoD Instruction 1020.04, “Harassment Prevention and Responses for DoD Civilian Employees,” June 30, 2020

DoDI 1020.04, Section 1.2.a, states the DoD will:

[n]ot tolerate or condone harassment, to include harassment that is not unlawful but adversely affects the work environment. Harassment jeopardizes combat readiness and mission accomplishment, weakens trust, and erodes organizational cohesion. Harassment is fundamentally at odds with the obligations of Service members and DoD civilian employees to treat others with dignity and respect.

Section 3, “Prohibited Harassment”

Section 3.1, “Harassment Adversely Affecting the Work Environment”

The conduct prohibited by this policy includes, but is broader than, the legal definitions of harassment and sexual harassment. Behavior that is unwelcome or offensive to a reasonable person and that interferes with work performance or creates an intimidating, hostile, or offensive work environment is prohibited. All allegations of harassment must be evaluated under the totality of the circumstances, to include an assessment of the nature of the conduct and the context in which the conduct occurred. In some circumstances, a single incident of harassing behavior is prohibited harassment whereas, in other circumstances, repeated or recurring harassing behavior may be required to constitute prohibited harassment.

Section 3.2, “Prohibited Harassment Behaviors”

- a. Harassing behavior may include:
 1. Unwanted physical contact.
 2. Offensive jokes.
 3. Epithets or name-calling.
 4. Ridicule or mockery.
 5. Insults or put-downs.
 6. Displays of offensive objects or imagery.
 7. Offensive non-verbal gestures.
 8. Stereotyping.
 9. Intimidating acts.
 10. Veiled threats of violence.
 11. Threatening or provoking remarks.
 12. Racial or other slurs.
 13. Derogatory remarks about a person’s accent or disability.
 14. Displays of racially offensive symbols.
 15. Hazing.
 16. Bullying.
- b. Unlawful harassing conduct may include:
 1. Unlawful discriminatory harassment.
 2. Sexual harassment.
 3. Stalking.

Section 3.3, “Means of Harassment”

Harassment can be oral, visual, written, physical, or electronic. Harassment can occur through electronic communications, including social media, other forms of communication, and in person.

Section 3.4, “Behavior that is Not Harassment”

Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, assignment of work related to the duties and responsibilities of the employee, and performance counseling, are not harassing behaviors. Moreover, this policy prohibiting harassment is not a “general civility code.” Behavior that is rude, ignorant, abrasive, or unkind, but does not adversely affect the work environment as described in Paragraph 3.1, is not harassment.

DoD 5500.7-R, “Joint Ethics Regulation (JER),” August 30, 1993 (Incorporating Changes 1-7, November 17, 2011)

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees.

JER Chapter 2, “Standards of Ethical Conduct”

Incorporates title 5 Code of Federal Regulations part 2635, “Standards of Ethical Conduct for Employees of the Executive Branch,” in its entirety.

Subpart A, “General Provisions,” Section 2635.101, “Basic Obligation of Public Service,” states in part:

(a) Public service is a public trust. 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. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(7) Employees shall not use public office for private gain.

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

JER Chapter 12, "Ethical Conduct"

Section 4, "Ethical Values," paragraph 12-400, states that ethics are:

standards by which one should act based on values. Values are core beliefs such as duty, honor, and integrity that motivate attitudes and actions. ... Ethical values relate to what is right and wrong and thus take precedence over non-ethical values when making ethical decisions. DoD employees should carefully consider ethical values when making decisions as part of official duties.

Paragraph 12-401, "Primary Ethical Values," elaborates on those characteristics as follows.

- b) **Integrity.** Being faithful to one's convictions is part of integrity. Following principles, acting with honor, maintaining independent judgment and performing duties with impartiality help to maintain integrity and avoid conflicts of interest and hypocrisy.
- d) **Accountability.** DoD employees are required to accept responsibility for their decisions and the resulting consequences. This includes avoiding even the appearance of impropriety because appearances affect public confidence. Accountability promotes careful, well-thought-out decision-making and limits thoughtless action.
- e) **Fairness.** Open-mindedness and impartiality are important aspects of fairness. DoD employees must be committed to justice in the performance of their official duties. Decisions must not be arbitrary, capricious, or biased. Individuals must be treated equally and with tolerance.
- f) **Caring.** Compassion is an essential element of good government. Courtesy and kindness, both to those we serve and to those we work with, help to ensure that individuals are not treated solely as a means to an end. Caring for others is the counterbalance against the temptation to pursue the mission at any cost.

g) **Respect.** To treat people with dignity, to honor privacy and to allow self-determination are critical in a government of diverse people. Lack of respect leads to a breakdown of loyalty and honesty within a government and brings chaos to the international community.

j) **Pursuit of Excellence.** In public service, competence is only the starting point. DoD employees are expected to set an example of superior diligence and commitment. They are expected to be all they can be and to strive beyond mediocrity.

Appendix B – Other Matters

In this appendix, we address other concerns witnesses had about Mr. Gold's leadership and conduct. Overall, some subordinates were uncomfortable around him and tried to ignore him or laughed off his conduct, while others just accepted him, saying that was "Mr. Gold being Mr. Gold again." Based on our review of witness testimony, emails, and documents, we found insufficient evidence to indicate this conduct violated a standard, but present it below for a fuller picture of the workplace under Mr. Gold.

Comments About Mr. Gold's Leadership

The complaints alleged that Mr. Gold lacked leadership abilities, resulting in reduced morale and productivity. Twelve witnesses provided favorable comments about Mr. Gold, that he was easy to talk to and that they never felt uncomfortable. Eleven other witnesses provided unfavorable comments about Mr. Gold, stating that his micromanagement either frustrated the staff or added stress or intensity in the office. Although a few of the witnesses provided unfavorable comments about Mr. Gold's leadership, these comments did not constitute matters of misconduct but matters of performance. The following are representative examples of favorable and unfavorable comments witnesses made to us about Mr. Gold's leadership.

Favorable Witness Comments

- One witness told us that Mr. Gold presented himself professionally in meetings with people outside of the DoD but would be "off-the-cuff" with staff because he was more comfortable with them.
- Two witnesses told us that Mr. Gold was very involved or that he would "get down in the trenches" with the staff "a little bit more than other SESs" they had observed.
- Another witness told us that Mr. Gold "tries to be more collaborative than directive" but could be direct and exert authority as necessary.
- Mr. Gold's most recent supervisor, the Deputy Director, Strategic Technology Protection and Exploitation, told us that although Mr. Gold demanded a lot from his staff, he also protected them. The supervisor said that Mr. Gold would push back against his chain of command on things that he thought were not his mission or that he did not have the resources to support.
- A former supervisor of Mr. Gold, the Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering, told us that Mr. Gold was "very good in the area of software engineering." She said that he would "carry out the strategic direction and goals," he "was very engaged with his staff," and she could rely on him to help navigate through different contracting situations.

Unfavorable Witness Comments

- A former SES leader in the OUSD(R&E) told us that Mr. Gold was arrogant and sarcastic and that [REDACTED] did not know how Mr. Gold got into the SES. [REDACTED] said, “I believe there is a certain type of personality and certain level of leadership that’s required and I never saw” it in Mr. Gold. [REDACTED] said that when you get to the senior executive level, you need to understand people and learn to make compromises because you cannot always get your way. “[Mr. Gold] tends to believe he’s got the right answer and that if people above him don’t agree with him, they’re wrong.”
- Two witnesses told us that Mr. Gold was not a team player and that he dictated instead of leading.
- One subordinate told us that when [REDACTED] and Mr. Gold’s other [REDACTED] direct reports began coordinating closely together, they realized that the information Mr. Gold told them separately was “in conflict ... with each other in terms of the guidance.” The subordinate said that [REDACTED] requested multiple times that Mr. Gold meet with them all together to “get on the same page” because it was wasting people’s time. [REDACTED] said that he agreed to have a meeting, but he would not schedule one or he would cancel it if someone else tried to schedule one. [REDACTED] also said that Mr. Gold would get mad when his [REDACTED] direct reports would get together and resolve things on their own.
- Three witnesses told us that Mr. Gold was dismissive or had a reputation of bullying and yelling at his subordinates.

Mr. Gold’s Treatment of Employees

The two complaints alleged that Mr. Gold mistreated employees. Seven witnesses told us that Mr. Gold either yelled at them, chastised them, cut them off, or was short or sharp with them. Seven more witnesses told us that they heard him yell at, berate, talk down to, or cut off subordinates during meetings. Mr. Gold told us that he had been short and sharp with his direct reports and their subordinates and that it was issue-driven because “sometimes we had things that had to be done quickly.” Mr. Gold said that generally he did not yell but raised his voice enough that his tone would get loud. We concluded that Mr. Gold’s alleged conduct is a matter of performance.

The following are representative examples of witness comments about Mr. Gold’s treatment of employees.

- [REDACTED] felt chastised because [REDACTED] felt that Mr. Gold used a certain tone and talked down to [REDACTED] when he said, “[REDACTED], stop.”
- “Mr. Gold sent me an email chastising me for not adequately briefing him ahead of the briefing. We had exchanged emails the day before, you know. Everything was very last minute.”

- One witness told us that Mr. Gold yelled at [REDACTED] for [REDACTED] presentation skills, stating, “You know, you guys were terrible,” even though the witness never got the chance to present.
- One subordinate told us that Mr. Gold yelled at [REDACTED] in front of a group, which [REDACTED] did not appreciate. [REDACTED] confronted him after the meeting and he apologized.
- “I’ve witnessed on some conferences whenever [Subordinate 2] has told him something or briefed him something, and he’s just expressed some kind of general frustration, mostly using her name kind of repeatedly saying something like, ‘Okay, [Subordinate 2],’ kind of derogatory but mostly in tone, [not] the content of ... his language.”

Mr. Gold told us that emotions come into play during some professional disagreements in the office that involve intelligent, motivated, and passionate people. He said, “[T]here were plenty of circumstances where [REDACTED] and [REDACTED] spoke sharply to [him],” and he did not take it personally but “thought it was a result of motivated employees.”

Mr. Gold told us about two occasions in which he chastised his employees or was sharp with them. He said that the first occasion was when an employee was giving the appearance that he (the employee) had authorities beyond what his authorities were while briefing White House staffers. Mr. Gold stated that the employee appreciated his feedback. The second occasion was after Subordinate 1 and another employee briefed the USD(R&E); Mr. Gold said that he did not think the briefing went well and was upset. After the meeting, Mr. Gold told us that he gave them specific feedback to internalize and do better next time. He said that he did not yell but raised his voice and told them they “were terrible” because the brief did not contain any insights on technical challenges to inform a senior leader.

Mr. Gold volunteered to us during his interview that he had [REDACTED] issues and that he had sought [REDACTED] for this when placed on administrative leave after the OUSD(R&E) received allegations against him. He told us that he was going through a lot of personal and professional stress beginning in 2019; then the COVID-19 pandemic hit, causing isolation; and finally, the “underhanded dealings” from another office made him very upset. He told us that his [REDACTED] “wake-up call” was from two examples in which he was “sharp” with employees and not from a chronic problem. The first was the “underhanded dealings” from another office, and the second was when he attended a hypersonics coordination meeting to coordinate budget inputs. Mr. Gold said that he does not remember the specifics of the conversation but that he got mad when a peer of his said, “Well, I don’t like your attitude.” Finally, he told us that he was concerned about getting mad at employees and needed to reexamine that part of his professional life.

Subordinate 2 told us about another instance in which Mr. Gold was unprofessional and embarrassed her subordinate (Employee 1). Mr. Gold received an email on February 11, 2022, requesting approval for a social media post with a photo of Employee 1. Mr. Gold responded

to the group email (including Employee 1), stating, “It’s not the most flattering photo of [Employee 1]. Between the wide-angle lens and the shot from below, it doesn’t do him justice but if he’s OK with it, I’m OK with it.” Subordinate 2 told us that Employee 1 said to her, “Well, that was uncalled for.”

When we asked Employee 1 how Mr. Gold’s comment made him feel, he told us that he found it to be “personally demeaning and hurtful.” Employee 1 also told us that there were times when he did not know which Mr. Gold he would be engaging. He said that Mr. Gold could be collegial and approachable but that at other times, he “seemed to be focused on the negative for the sake of finding something negative to focus on.”

We asked Mr. Gold about the email, and he told us that he wanted his employees to look good and was trying to give Employee 1 an opportunity to retake the photo. Mr. Gold told us that Employee 1 responded, “[I]t wasn’t worth retaking the picture.” Mr. Gold also told us that he and Employee 1 have a good relationship and that he was trying to help him out, and not being derogatory in any way.

Other Concerning Conduct

Inviting Female Employees to Private Meals or Drinks

According to information in emails and witness testimony, Mr. Gold invited six current and former OUSD(R&E) female employees (including two female contractor employees) and a colleague from a sister organization within the OUSD to meals or drinks. Mr. Gold also went out to dinner with or made dinner for four of those employees, including Subordinate 1. Of the seven female employees he invited for meals or drinks, we discussed Mr. Gold’s dinners with Subordinate 1 in section A. We did not find any similar invitations to meals or drinks to male employees in Mr. Gold’s emails. The following information summarizes our findings about the remaining six female employees.

- A colleague in the OUSD(R&E) sent Mr. Gold an email in November 2020, asking how he was doing and stating that she missed staying in touch. Mr. Gold then suggested “lunch/dinner or a beer.”
- A colleague in a sister organization within the OUSD sent Mr. Gold and two other employees an email in April 2021, asking for a point of contact in the OSD and if she could use Mr. Gold’s name to communicate with, in reference to a specific project. Mr. Gold privately responded to her, suggesting they “meet for a beer or happy hour if you want.”
- Mr. Gold invited a former employee to dinner in November 2021, after the former employee texted to cancel to meet for coffee. He also offered to make her dinner at his house. She had to cancel again, and he responded that this was the third “backout.” The former employee told us that she canceled with Mr. Gold because she

did not want to give him the “wrong impression” and that the invitation to “make dinner” sounded like dating.³³ According to the former employee, Mr. Gold got “really angry” with her.

- A former executive assistant of Mr. Gold’s sent him an email in March 2022 that asked how he had been and that stated she was back working as a support contractor in another OUSD(R&E) directorate. Mr. Gold responded in kind and stated, “If you get back up this way, we can meet for lunch.”
- Another witness told us that there was talk around the office that Mr. Gold went out to lunch with a female contractor who supported Mr. Gold as an executive assistant. The witness also remembered seeing a dinner invitation with the female contractor scheduled on Mr. Gold’s calendar. The witness said that “[i]t was pretty rare” for Mr. Gold to have lunch with subordinates and could not recall any other instances.
- In our interview with Mr. Gold, he told us that he made dinner at his house with one other employee. He said that she was a “support contractor in an adjacent office” who was not under his supervision and that they had multiple dinners at his house.

Mr. Gold’s Response About Inviting Female Employees to Private Meals or Drinks

When asked about his invitations to female employees for private meals or drinks, Mr. Gold said, “[T]hese are generally people that I establish some kind of common personal interest with,” and it was either “purely platonic” or “purely professional.”

We asked Mr. Gold about the female contractor who supported him as an executive assistant and who other employees believed had gone out to lunch with Mr. Gold. He described their relationship as “purely platonic.” He also told us:

[The female contractor] and I went out for dinner [a] couple of times, but for me it was never anything more than social because she was pretty much right out of school and ... I didn’t have anything socially to offer other than like that, have a drink or have a dinner. So we went to dinner [a] couple of times. I think she was—at some point she indicated she was actually interest [*sic*] in something more. [...] Anyway, she said, “Yeah, Rob. I’m tired of waiting around for you. I decided to go, you know, and get married.”

Mr. Gold added, “We never did anything. We went out to dinner a couple of times but nothing ever happened.”

When we asked about another female contractor with whom he had dinner at his house, Mr. Gold told us that they had a friendly relationship and that they never had sexual intercourse. He said that they occasionally went hiking together and that he would repair things around her house.

³³ The witness told us that she suspected Mr. Gold liked her and that she believed only men who wanted to date her offered to cook her dinner.

Regarding the invitation to a female former employee in November 2021, Mr. Gold clarified that at the time of the message exchange, the employee was no longer his subordinate and that his oversight responsibilities in her office had ended. He told us that the exchange with her was a continuation of their Meetup groups discussion and that the employee “seemed very positive about wanting to meet.” Mr. Gold told us that he stopped contacting her after the third time she excused herself from meeting with him. Mr. Gold got the “hint” that she was not interested in him socially or “anything beyond that.” He added, “Nothing ever happened beyond a friendship.”

When we asked Mr. Gold about his invitations to female employees, he said:

[A]t that point [in] my private social life ... a lot of these personal interactions were mostly with women, right? That’s certainly true both inside and outside of work. So and [*sic*] at some point I realized that I need to have some male friends. Now you’ve got to remember when I was married for 20 years, it was my wife and two daughters. So, it was not ... where my comfort zone was anyway. Eventually, though, I did expand my male friends, but I had to kind of make it a point to do that. So that was definitely characteristic of my life at the time that I saw needed to be changed.

Acronyms and Abbreviations

- JER** Joint Ethics Regulation
- OSD** Office of the Secretary of Defense
- OUSDR&E** Office of the Under Secretary of Defense for Research and Engineering
- SES** Senior Executive Service
- TMIB** Technology and Manufacturing Industrial Base



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