

“Under Conditions of Hardship”: The Peace Corps’ Catch-22 for Survivors of Sexual- and Gender-Based Violence

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The Peace Corps’ treatment of Volunteers and trainees, particularly with regard to the policies and permissiveness surrounding sexual- and gender-based violence, reflects and perpetuates workplace sex discrimination. Because the agency fails to collect adequate data, it is impossible to determine the precise nature and degree of the problem, but it is likely worse than what annual reports have described as a persistently growing crisis despite twenty years of criticism, activism, and reform efforts. Without legally enforceable accountability mechanisms—the simplest and most effective of which would be to recognize Volunteers and trainees as federal employees—the discrimination is likely to continue.

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* Georgetown Law, J.D. 2023; Colgate University, B.A. 2016. © 2023, E.L. Tremblay. This Note is dedicated to every trainee and Volunteer whose service was complicated because of the Peace Corps itself, and especially to all of the survivors I have had the privilege of talking to, learning from, and befriending. Many thanks to Professor Jamillah Bowman Williams and *The Georgetown Law Journal* staff for making this writing the best it could possibly be, and to the family and friends who helped me survive to write this.

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INTRODUCTION

At least one-third of Peace Corps Volunteers and trainees¹ experience sexual violence² during the twenty-seven months³ they work abroad for the federal

1. There are four phases for nonstaff Peace Corps workers. First, a successful applicant offered a position to serve as a Volunteer following interviews is an invitee who must complete medical and legal screenings prior to departure. Robyn Cadwallader, *You've Accepted Your Invitation. Now What?*, PEACE CORPS (May 31, 2017), <https://www.peacecorps.gov/stories/youve-accepted-your-invitation-now-what/> [<https://perma.cc/3AGX-WKJ5>]. Upon arrival in country, an invitee becomes a trainee, with typically around three months of pre-service training to complete before being invited to serve. Justin Tabor, *What is Peace Corps' Training Like?*, PEACE CORPS (May 6, 2021), <https://www.peacecorps.gov/stories/what-is-peace-corps-training-like/> [<https://perma.cc/7YHV-6WJ2>]. Once invited to serve, the trainee swears in to become a Volunteer, agreeing to serve in their host community, “[u]nder conditions of hardship, if necessary,” usually for twenty-four months. See Lora King, *Do I Have to Say “I’ll Go Anywhere”?*, PEACE CORPS (May 30, 2020), <https://www.peacecorps.gov/stories/do-i-have-say-ill-go-anywhere/> [<https://perma.cc/D4CM-6XZ2>]; see also @peacecorpshr, *HR Report #84*, INSTAGRAM (Mar. 13, 2021), <https://www.instagram.com/p/CMXv-WVBgPV/> (“I thought the reason she treated me that way was because she was racist. . . . The host country nationals said my host mom was notoriously racist towards the darker-skinned communities there. It was a slap in the face. The whole time, I was right. But the Peace Corps staff made it seem like I was just incapable of adjusting to the culture. . . . [M]y Country Director dismissed it too, just quoting the oath that I took to serve under the conditions of hardship.”). Finally, after service, a Volunteer becomes a Returned Peace Corps Volunteer (RPCV). See *Returned Volunteers*, PEACE CORPS, <https://www.peacecorps.gov/returned-volunteers/> [<https://perma.cc/LDW7-MS43>] (last visited May 15, 2023).

2. The term “sexual violence” in this Note covers the three categories of data captured by the Peace Corps—and used in a *USA Today* article discussing this issue. See Donovan Slack & Tricia L. Nadolny, *Peace Corps Sex Assaults Up*, USA TODAY, Apr. 26, 2021, at A6. First, “rape,” which the Peace Corps defines as “[p]enetration, no matter how slight, of a Volunteer’s vagina or anus with any body part or object, or oral penetration by another person’s sex organ, without the consent of the Volunteer, including when the Volunteer is incapacitated or otherwise incapable of consenting.” OFF. OF SAFETY & SEC., PEACE CORPS, 2020 ANNUAL REPORT OF CRIMES AGAINST VOLUNTEERS 20 (2021), https://files.peacecorps.gov/documents/open-government/2020_Annual_Report_of_Crimes_Against_Volunteers.pdf [<https://perma.cc/K49D-XMQJ>]. Second, “aggravated sexual assault,” which is defined by the Peace Corps as

[i]ntentional contact, either directly or through clothing, with a Volunteer’s genitalia, anus, groin, breasts, thigh, or buttocks; or kissing or disrobing a Volunteer; or forcing a Volunteer to contact someone’s genitalia, anus, groin, breast, thigh, or buttocks; or the attempt to carry out any of these acts and there is use or threatened use of a weapon, or use or threatened use of force or other intimidating action, or the Volunteer is [incapacitated] or otherwise incapable of consenting.

Id. Finally, “non-aggravated sexual assault,” which the Peace Corps defines as

[i]ntentional contact, either directly or through clothing, with a Volunteer’s genitalia, anus, groin, breast, thigh, or buttocks; or kissing a Volunteer on the mouth, ear, or neck; or touching a Volunteer with the offender’s genitalia, either directly or through clothing, or offender’s semen or vaginal fluids (no matter which body part is touched); or attempts to carry out any of those acts.

Id.

3. *Is Peace Corps Right for Me?*, PEACE CORPS, <https://www.peacecorps.gov/volunteer/is-peace-corps-right-for-me/> [<https://perma.cc/HYR6-ATX3>] (last visited May 15, 2023).

agency; that number increases to forty-four percent when narrowed to those identifying as women, and has roughly doubled in just five years.⁴ Many incidents reportedly arise from the Peace Corps violating its own rules⁵ or willfully neglecting Volunteers’ and trainees’ well-being.⁶ Though the Peace Corps suggests that the apparent rise in sexual assaults is merely because of increased reporting stemming from successful implementation of the Sexual Assault Prevention and Response Program (SAPRP),⁷ the rate of crime against Volunteers and trainees

4. Slack & Nadolny, *supra* note 2.

5. See, e.g., Lisa Rein, *Peace Corps Volunteers Tell of Sexual Assaults*, WASH. POST, Sept. 2, 2011, at A16 (“The stories have common threads: unsafe housing, a slow or hostile response by local police, a minimal response by Peace Corps staff and discouragement from pursuing justice.”); @peacecorpsr, *HR Report #9*, INSTAGRAM (May 12, 2019), <https://www.instagram.com/p/BxYwEngFTPO/> (“In my first host home I was constantly harassed by my host dad. He would make sexual comments to me in front of my host mom and often come home drunk while I was alone. I called to ask about a house change and PC [Peace Corps] told me to find a new home for myself, although they said in PST [Pre-Service Training] that every community had at least 2 backup homes. I received zero support in locating a new family or moving my belongings. I was in that unsafe living situation for over a month, and the family was never held accountable for their actions, being told by PC staff that I had ‘felt very at home in their house and was so appreciative to them for taking me in.’”); @peacecorpsr, *HR Report #10*, INSTAGRAM (May 13, 2019), <https://www.instagram.com/p/BxaSrlOFKl3/> (“I was sexually assaulted in my host home in front of my entire extended host family at a party. No one helped me, so afterwards I locked myself in my room while my abuser (a family friend) continued to dance through the night right outside. My host family immediately blamed me for it. They said I should’ve fought harder to get him off. When I reported it, staff took no action to remove me from the home. I was told by a staff member after disclosing my trauma that I was ‘blessed because you had the ability to get out if needed.’ Months later, I asked to move due to my family continuing to bring my abuser around. Staff told me to look for my own home, anonymously, in my small town, even though they promised they had backup housing for all sites in PST. When I asked for support, for fear of my family finding out, I was shut down.”).

6. See Slack & Nadolny, *supra* note 2; @peacecorpsr, *HR Report #11*, INSTAGRAM (May 14, 2019), <https://www.instagram.com/p/BxdA-K7FG0E/> (“I was sexually assaulted by my host father most of my service. S&S [Safety & Security] and the CD [Country Director] were aware of the issue, but they didn’t remove me from my site or even acknowledge it until I contacted the SARL [Sexual Assault Response Liaison]. My CD was unwilling to work with me and basically pushed me out of the country (I was attempting to relocate to a Response position). At my post, S&S had no idea how to deal with sexual assault related cases. They basically told me that I was misunderstanding things that were happening to me. Things like having my butt grabbed and being pushed up against the wall of my bedroom. After living at the provincial house for almost 3 months I was medically separated just because they forgot I was there.”); @peacecorpsr, *HR Report #40*, INSTAGRAM (Oct. 5, 2019), <https://www.instagram.com/p/B3QmVyB9gu/> (“My sitemate (yes, the other PCV [Peace Corps Volunteer] at my site) raped me multiple times during my service, and abused me physically and emotionally. When I told the PCMO [Peace Corps Medical Officer] after the first time, she asked me if I was sure he’d raped me and if I was trying to get sent home. I shut up, went back to site, and was hurt more. A year later I told the CD [Country Director] what my sitemate had been doing to me throughout my service because I couldn’t stand being his prisoner anymore. The CD believed me and helped keep me safe, but ultimately I was medsepped [medically separated, meaning fired] due to PTSD. The good news is that the Volunteer was adsepped [terminated] for what he did to me. But I wish I’d been able to punish him more. And I wish the PCMO had believed me in the first place.”).

7. OFF. OF SAFETY & SEC., PEACE CORPS, 2019 ANNUAL REPORT OF CRIMES AGAINST VOLUNTEERS 20 (2020), https://files.peacecorps.gov/documents/open-government/Annual_Report_of_Crimes_Against_Volunteers_2019.pdf [<https://perma.cc/JP6B-KGU2>] (“The increase in reports of sexual assaults coincides with the implementation and maturation of the Peace Corps Sexual Assault Risk Reduction and Response Program (SARRRP). One of the goals of SARRRP has been to reduce barriers to Volunteers reporting sexual assaults to staff.”). For more information on the SARRRP, since renamed the Sexual Assault Prevention and Response Program, see *Sexual Assault Prevention and Response*

has long been exceptionally high⁸ relative to national and global averages.⁹ Furthermore, while precisely how many Peace Corps Volunteers and trainees experience sexual- and gender-based violence (SGBV)¹⁰ is difficult to determine, these workers report less than half of the crimes they experience, in part due to the administrative costs they may face for doing so—agency protocols that take choices away from survivors.¹¹ Finally, the rate of unreported crimes has held

Program, PEACE CORPS, <https://www.peacecorps.gov/volunteer/health-and-safety/sexual-assault-risk-reduction-and-response/> [<https://perma.cc/E2CB-WEFY>] (last visited May 15, 2023).

8. See OFF. OF INSPECTOR GEN., PEACE CORPS, FINAL AUDIT REPORT: PEACE CORPS VOLUNTEER SAFETY AND SECURITY PROGRAM 1 (2010), https://www.oversight.gov/sites/default/files/oig-reports/PC_Safety_and_Security_Final_Audit_Report_IG1008A.pdf [<https://perma.cc/X56W-T8GZ>] (“If compared to public colleges and universities, Peace Corps would rank first for the most robberies; second for most burglaries, and seventh for most aggravated assaults. Further, in comparison to crime statistics reported by countries around the world, Peace Corps Volunteers experience higher rates of rape and burglary than any of the 86 countries that responded to the United Nations crime statistics analysis.”).

9. Compare Slack & Nadolny, *supra* note 2 (“44% [of women] who finished service in 2019 were sexually assaulted in some way.”), with SHARON G. SMITH, XINJIAN ZHANG, KATHLEEN C. BASILE, MELISSA T. MERRICK, JING WANG, MARCIE-JO KRESNOW & JIERU CHEN, NAT’L CTR. FOR INJ. PREVENTION & CONTROL, CTRS. FOR DISEASE CONTROL & PREVENTION, THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY 2 (2018), <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf> [<https://perma.cc/G2CB-FBJ7>] (finding that “[i]n the U.S., 43.6% of women . . . experienced some form of contact sexual violence in their lifetime,” with just “4.7% of women experiencing this violence in the 12 months preceding the survey” (emphasis added)), and Joint News Release, World Health Org., Devastatingly Pervasive: 1 in 3 Women Globally Experience Violence (Mar. 9, 2021), <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence> [<https://perma.cc/WZ8Q-JBNA>] (finding that on average one in three women globally will experience “physical or sexual violence by an intimate partner or sexual violence from a non-partner” in their lifetime).

10. The term “sexual- and gender-based violence” is drawn from international human rights norms. See, e.g., U.N. HIGH COMM’R FOR REFUGEES, SEXUAL AND GENDER BASED VIOLENCE (SGBV) PREVENTION AND RESPONSE 1 (2023), <https://emergency.unhcr.org/entry/60283/sexual-and-gender-based-violence-sgbv-prevention-and-response> [<https://perma.cc/YQ9N-SE48>]. As used throughout this Note, the term encompasses the three categories of sexual violence, *supra* note 2, as well as other forms of violence—broadly conceptualized—typically perpetrated for gendered or sex-based reasons, as described in the 2022 Platform of Demands written and edited by RPCVs who survived sexual violence during service, analyzed *infra* Section I.B. See @PEACECORPSHR, PLATFORM OF DEMANDS § 4-1, <https://perma.cc/VUB3-PU3U> (last visited May 15, 2023) (“(I) Stalking (which must include cyberstalking and persistent unwanted interaction); (II) Voyeurism (“peeping Tom” incidents; invasions of [Volunteers’ and trainees’] private spaces); (III) Psychological violence (gaslighting, controlling behavior, threats of violence); (IV) Physical gender-based violence (unwanted touching, intimate partner abuse); (V) Sexual violence, which should be expanded to include forced witnessing of sexual activity and acts involving “revenge porn” or other sexual retaliation; (VI) Sexual harassment (jokes, catcalling, hate speech, slurs, rumors, humiliation); (VII) Socioeconomic violence (taking resources on gendered bases, e.g. partner abuse); (VIII) Harassment or hate speech on the basis of an identity (racial and ethnic slurs and colorism; homophobia; ableism; ageism; religious slurs; etc.); (IX) Aiding, abetting, or attempting any of the above; (X) Criminal incidents, or any incidents described above that are witnessed but not personally experienced by [Volunteers and trainees]; (XI) Any other incidents not captured by the above categories.”).

11. See, e.g., discussion *infra* Part I; @peacecorpsshr, *HR Report #58*, INSTAGRAM (Aug. 15, 2020), <https://www.instagram.com/p/CD6zqB8Bz4h/> (“I reported a sexual assault to OIG [Peace Corps Office of Inspector General]. . . . At that point my focus was to not be medically separated after Peace Corps forced me to do a psychological evaluation. I spent the rest of service trying to prove that actually, sexual assault caused no change to my mental psyche and I was fine! I didn’t report any further sexual assaults that occurred during my service. I didn’t want to be punished for what I thought was one step

steady even as reported SGBV increased, indicating a rise in overall criminal activity rather than success on the part of the SAPRP.¹²

Underreporting of SGBV in the Peace Corps can be ascribed to integral procedural flaws and organizational culture issues that discourage Volunteers and trainees from coming forward about their experiences.¹³ Procedurally, the Peace Corps’ method of data collection does not permit Volunteers or trainees to anonymously report crimes until a single snapshot survey is administered at the end of service.¹⁴ The Volunteers and trainees who experience the highest incidence rate

towards justice and safety for myself: reporting. I now work for an organization that has career opportunities available based on current and past psych evals. Having not responded in the way I did would have literally cost me economic mobility and my dream job. In addition, I wanted to complete my service, which of course wouldn’t be possible if I was forced to go home because I reported sexual assault.”).

12. The Peace Corps evacuated all U.S. citizen workers from the field at the onset of the COVID-19 pandemic and only began a staggered return to the field in 2022. *See Peace Corps Service During COVID-19*, PEACE CORPS, <https://perma.cc/5EGN-FWEV> (last visited Dec. 20, 2022); Julia Jester, *Peace Corps Returns to Duty Abroad After Pandemic Forced Sudden Evacuations*, NBC NEWS (Mar. 3, 2022, 2:00 PM), <https://www.nbcnews.com/news/us-news/peace-corps-returns-duty-abroad-pandemic-forced-sudden-evacuations-rcna18128> [<https://perma.cc/T8X9-TRGG>]. Thus, the most recent accurate and representative data available are from 2019. For data, see OFF. OF SAFETY & SEC., PEACE CORPS, *supra* note 7, at 3, 13. That report includes the results of an anonymous annual survey—the Security Incident Questionnaire (SIQ)—in which Volunteers are asked to recall at the end of their service, typically twenty-seven months, any unreported crimes they experienced and explain why they chose not to report. *See id.* at 3. In 2019, 2018, and 2017, “half or fewer Volunteer crime victims report[ed] incidents to Peace Corps staff despite repeated encouragement and reminders to do so throughout their service.” *Id.* at 13, 17. *Compare id.* at 17 (indicating twenty-four percent of aggravated sexual assault victims and thirty-three percent of rape victims did not report because of concerns regarding “[h]ow staff might respond”), with OFF. OF SAFETY & SEC., PEACE CORPS, 2018 ANNUAL REPORT OF CRIMES AGAINST VOLUNTEERS 17 (2019), https://files.peacecorps.gov/documents/open-government/Annual_Report_of_Crimes_Against_Volunteers_2018.pdf [<https://perma.cc/8VVC-GW77>] (finding twenty-two percent of aggravated sexual assault victims and eighteen percent of rape victims did not report because of “concerns about how staff might respond”), and OFF. OF SAFETY & SEC., PEACE CORPS, 2017 STATISTICAL ANNUAL REPORT OF CRIMES AGAINST VOLUNTEERS 8 (2018), https://files.peacecorps.gov/documents/open-government/2017_Statistical_Report_of_Crimes_Against_Volunteers.pdf [<https://perma.cc/A7BP-ADED>] (claiming “Volunteers’ willingness to report incidents of sexual assault is supported by specific incentives put in place by the agency”).

13. For a case-in-point explanation of why underreporting of SGBV is common, see Ashleigh Shelby Rosette, Rebecca Ponce de Leon, Christy Zhou Koval & David A. Harrison, *Intersectionality: Connecting Experiences of Gender with Race at Work*, 38 RSCH. ORGANIZATIONAL BEHAV., Jan. 8, 2019, at 1, 13 (noting that “a breadth of evidence suggests that most experiences of sexual harassment go unreported, for a variety of reasons, complicating estimates of its frequency [T]he latest findings from Pew Research Center report that 55% of women polled said they had experienced sexual harassment both in and outside of the workplace. Because women often fail to formally report sexual harassment and because admitting victimization can be stigmatizing, true estimates of the rates of sexual harassment remain largely unknown. Regardless, the widespread nature of this form of discrimination is evident.” (internal citations omitted)).

14. When proper procedures are followed, the survey is meant to be administered whenever a trainee or Volunteer ends their service, whether that is three days, three months, or three years (for those who extend service) after arrival. *E.g.*, OFF. OF SAFETY & SEC., PEACE CORPS, *supra* note 2, at 6–7 (“Because many Volunteers never report crimes when the incidents occurred, the Peace Corps introduced an online crime survey in 2014, the Security Incident Questionnaire (SIQ). All Volunteers are invited to fill out the SIQ at the end of their service and, in previous years, more than 80 percent agreed to do so. . . . The survey is used to collect data on the combination of crimes Volunteers previously reported to staff and those that went unreported at the time of the incidents.”).

of SGBV—daily or weekly—are therefore the least likely to be able to accurately capture those experiences; intersectional analysis suggests that women of color may be overrepresented in this group.¹⁵ Culturally, notwithstanding internal crises,¹⁶ the Peace Corps has long enjoyed a mostly positive reputation¹⁷ with the American public as a Kennedy-era¹⁸ beacon of hope.¹⁹ This reputation has been

15. The Peace Corps does not disaggregate data on sexual violence by race, perhaps because the agency's "founding philosophy chose not to 'see color,' [an] approach [which] obscures the ways in which volunteers of color experience service differently from White volunteers, and supports a particular type of 'colorblind' organizational racism that supports White privilege." Meghan Elizabeth Kallman, *The "Male" Privilege of White Women, the "White" Privilege of Black Women, and Vulnerability to Violence: An Intersectional Analysis of Peace Corps Workers in Host Countries*, 21 INT'L FEMINIST J. POL. 566, 570 (2019); see generally OFF. OF SAFETY & SEC., PEACE CORPS, *supra* note 7 (declining to disaggregate sexual violence by race). However, research indicates that

[n]ationality, when combined with race, often affords White women 'male' privilege, but may also make them vulnerable to sexual violence [D]ata offer suggestive initial findings that women of color's experiences may vary by geography: they may be treated as 'White' in African and African-diaspora countries of service, affording them 'White' privilege, whereas volunteers of color are treated as 'not really American' in predominantly White or non-African countries of service, which can be dangerous.

Kallman, *supra*, at 576.

16. A former deputy director and powerful figure in the early days of the agency, Warren Wiggins, described its first news fiasco "in almost glowing rhetoric" as a prophylactic

against far worse publicity. "The greatest thing that could have happened to the Peace Corps in the beginning . . . was a postcard from a Volunteer mentioning that people pee in the streets in Nigeria. It was like a vaccination. . . . Never again would a major newspaper, under the worst of conditions, streamer anything negative about the Peace Corps. Since then, the Peace Corps has had rape, manslaughter, bigamy, disappearances, Volunteers going insane, meddling in local politics, being eaten by crocodiles, but never again did it get a bad play in national news. The vaccination took; we were immune.

STANLEY MEISLER, *WHEN THE WORLD CALLS: THE INSIDE STORY OF THE PEACE CORPS AND ITS FIRST FIFTY YEARS* 20, 43–44 (2011). No matter how much internal strife these subsequent disasters caused—generally over protecting the agency's image and continued work—none received enough media attention or popular vilification to constitute an existential threat. See generally *id.* For more on Wiggins, see Patricia Sullivan, *Warren Wiggins, 84, Architect of Peace Corps*, BOS. GLOBE (Apr. 17, 2007), http://archive.boston.com/news/globe/obituaries/articles/2007/04/17/warren_wiggins_84_architect_of_peace_corps/.

17. Meghan Elizabeth Kallman, *Material, Emotional and Professional Dynamics: Idealism, Commitment and Self-Regulation in the Peace Corps*, in MATERIALITY, RULES AND REGULATION: NEW TRENDS IN MANAGEMENT AND ORGANIZATION STUDIES 73, 75 (François-Xavier de Vaujany et al. eds., 2015) ("The Peace Corps has typically been analysed in a celebratory manner that underscores the technical accomplishments of volunteers, while simultaneously playing up the moral identities of the brave young men and women out to conquer hearts and minds for America."). But see Kallman, *supra* note 15, at 566–67 (noting the Peace Corps "has been framed (and criticized) as a colonial project virtually since its inception").

18. When running for President of the United States, the young and charismatic then-Senator John F. Kennedy

made only one new proposal during the entire campaign: the creation of the Peace Corps. This uniqueness makes it easy to exaggerate the importance of the Peace Corps, both to the campaign and to Kennedy himself. . . . Yet there would not have been a Peace Corps at all had Kennedy not taken hold of the idea and challenged many thousands of young people anxious to make their lives useful and meaningful. Many came forward simply because he called them. This was even more true after he delivered those famous lines in his inaugural

strategically maintained by the Peace Corps itself,²⁰ active-service Volunteers and trainees,²¹ and an alumni community of returned Peace Corps Volunteers (RPCVs).²² Moreover, both active and returned Volunteers are intrinsically

address that still serve as a mantra for the Peace Corps, ‘And so, my fellow Americans, ask not what your country can do for you; ask what you can do for your country.’ For many years, even after he was assassinated, the Peace Corps Volunteers were known in some Latin American countries as *los hijos de Kennedy*—‘the Children of Kennedy.’ It may sound somewhat corny, but it was an apt description.

MEISLER, *supra* note 16, at 10–11.

19. Kallman, *supra* note 15, at 568 (“While it traded publicly on a heady mix of idealism and development, the Peace Corps also reflected John F. Kennedy’s conviction [It] ‘was [a] lineal descendent of the missionary tradition originated by Christian Europeans’ whose formation reflected a number of entrenched colonial ideologies premised on assumptions of racial and national superiority. The Peace Corps both verbally opposed but also benefited from a prevalent belief that the US was morally obligated to civilize the world.” (internal citations omitted)); *see also* D Goska, *Rape in the Military on Memorial Day? How about Rape in Peace Corps? Do Sensitive New Age Guys and Third World People Rape? You Betcha*, SAVE SEND DELETE (May 27, 2013, 6:22 AM), <https://save-send-delete.blogspot.com/2013/05/rape-in-military-on-memorial-day-how.html> [<https://perma.cc/M8FD-UGUR>] (showing an anonymous commenter responding that “[t]his has been going on for decades in the Peace Corps” yet “[i]t seems too few people want to go up against this part of the Kennedy/Shriver legacy”); MEISLER, *supra* note 16, at 42 (describing President Eisenhower’s critique of President Kennedy’s Peace Corps as a “juvenile experiment”).

20. *See, e.g.*, PHILIP WEISS, *AMERICAN TABOO: A MURDER IN THE PEACE CORPS* (2004) (discussing the agency’s cover-up of Volunteer Dennis Priven’s stalking and eventual murder of fellow Volunteer Deborah Gardner); @peacecorps, *An Oldie but Goodie*, INSTAGRAM (Aug. 9, 2013), <https://www.instagram.com/p/czD9-AkeiF/> (showing Peace Corps Instagram account lifting up an old Peace Corps advertisement attempting to recruit Volunteers). The Peace Corps also issued a series of cease-and-desist letters in the fall of 2021 to social media accounts (on file with the author) using the words “Peace Corps” and/or the Peace Corps logo to describe themselves, beginning with protest account @peacecorpsr and only six weeks later continuing to neutral and laudatory accounts; the agency does not appear to have issued such letters to blogs, Twitter accounts, or podcasts operating with the Peace Corps name and no personal attribution. *See, e.g., infra* note 22.

21. *See, e.g.*, Benjamin Barr-Wilson, *A Farewell to Remember*, PEACE CORPS S. AFR. (Apr. 2, 2009), <https://barrwilson.wordpress.com/> [<https://perma.cc/Z7UY-7S6X>]; Nathan Perkins, *Before and After*, PEACE CORPS BLOG (July 1, 2009, 5:49 PM), <http://peacecorps.nathanngt.com/> [<https://perma.cc/VL8G-FXR4>]; Taylor Majher, *Evacuation Round 2*, PEACE CORPS GUAT. (Mar. 25, 2020), <https://peacecorpsvolunteerghatemala.wordpress.com/> [<https://perma.cc/83GM-93K6>]; Urvi Patel, *It’s Been An Adventure*, PEACE CORPS TONGA (Dec. 24, 2017), <https://peacecorpstonga.wordpress.com/2017/12/24/its-been-an-adventure/> [<https://perma.cc/W22B-8DKS>]; Salena Soria & Karol Lopez, *A Little About Us.*, PEACE CORPS TALES PODCAST, <https://peacecorpstalespodcast.weebly.com/about-us.html> [<https://perma.cc/MB6W-PLNP>] (last visited May 15, 2023); Megan Donohue, *Peace Corps Revisited*, LISTENNOTES (Nov. 10, 2019), <https://www.listennotes.com/podcasts/peace-corps-revisited-megan-donohue-QOchEDsXdv8/> [<https://perma.cc/R9WA-SWZ7>].

22. *See, e.g.*, Nat’l Peace Corps Ass’n, *We Know the Risks. We Know the Rewards.*, FACEBOOK (July 25, 2014, 10:36 PM) (on file with the author) (referencing Sheryl Gay Stolberg, *Peace Corps Faces Questions Over Another Volunteer Death*, N.Y. TIMES (Oct. 3, 2020), <https://www.nytimes.com/2020/10/02/us/politics/peace-corps-death.html>) (inviting returned Volunteers to share their service experiences “in the comments on Ms. Stolberg’s article” about the death of Volunteer Nicholas Castle); @peacecorpsr, *HR Report #38*, INSTAGRAM (Sept. 15, 2019), <https://www.instagram.com/p/B2cxQUSBPPc/> (showing commenter @arielescharff writing that “[a]nyone who is shocked their preferences aren’t taken into account in a position they volunteer for isn’t really fit for volunteering”); @peacecorps, *History*, INSTAGRAM (July 27, 2020), <https://www.instagram.com/p/CDJkcAeFdde/> (showing @PeaceCorpsHR’s comment responding to the Peace Corps’ Instagram by writing that “sexual assault [is] on the rise,” “medical separations [are] rising,” and “dozens of emails and comments [are] protesting racial policy,” yet there was “no reform since 2011’s Kate Puzey Act.”

rewarded for bolstering that image and, conversely, punished for disrupting it.²³ As a result, some Peace Corps Volunteers and trainees, who are unusually vulnerable workers, discredit their own perceptions of what they encounter²⁴ or credit but strategically ignore their experiences in order to reap the benefits of membership in the Peace Corps community.²⁵ Thus, the Peace Corps' cultural and structural processes together decenter the voices and needs of Volunteers and trainees in general, while specifically devaluing and discrediting survivors.²⁶ This discourages active and returned Volunteers with mixed or negative experiences of service from coming forward. At the same time, the less data the agency has on SGBV, the less capable it is of defining and correctly addressing the issue, meaning that problematic structural practices in the Peace Corps are part of a self-perpetuating cycle in which underreporting bolsters SGBV and vice versa.²⁷

Commenter @brian.k.allen responded “@peacecorpshr fuck off”); Carolyn Milby Anderson, *First Response Action*, FACEBOOK (Sept. 25, 2013), <https://www.facebook.com/groups/131509159234> (“Back in the 60’s in Truk (now United States of Micronesia), I suffered sexual assault. I don’t believe that I was raped, but I have no memory of what occurred. I have no memory of going to the island chief either. A few weeks later, I attempted suicide. The Peace Corps did take me back to the US and I had psychiatric counseling for awhile, [sic] but that’s it. During counseling, we never did talk about what happened. Not much later I went to [a] RPCV [Returned Peace Corps Volunteer] meeting and was chastised for my negative experience.”).

23. In other words, not only is it difficult to controvert a widespread stereotype that the Peace Corps is and does good (particularly given the name of the agency), but also affirming the goodness of the employer with which they are affiliated affirms the Volunteers' own goodness. Disrupting that narrative casts suspicion on the complainant's motives, both for speaking out and for affiliating with an organization they now assert to be problematic. See, e.g., @decolonizingpc, INSTAGRAM (Oct. 25, 2020), <https://www.instagram.com/p/CGxTzGhgONw/> (sharing a compilation of comments regarding the page's petition to abolish the Peace Corps); @decolonizingpc, *The PCV/RPCV “Badge of Honor,”* INSTAGRAM (Sept. 29, 2022), <https://www.instagram.com/p/CjHMsZwjZvu/>; @decolonizingpc, *Peace Corps Volunteer/Returned Peace Corps Volunteer “badge of honor,”* INSTAGRAM (Oct. 2, 2022), <https://www.instagram.com/p/CjO3PNGDtmd/>; Marjorie Saunders, *Not All Peace Corps Volunteers, HOW I SAW PC* (Aug. 5, 2021), <https://marjorieinlmghreb.wordpress.com/2021/08/05/not-all-peace-corps-volunteers/> [<https://perma.cc/N7MJ-PPDF>] (“I originally posted the question, ‘Does anyone have any bad PC experiences involving their fellow PCVs? Examples include racism, sexual harassment, bullying, knowledge that they’ve killed HCN (Host Country National) cattle, burning property (there are cases of this, not making it up), etc. please feel free to reach out to me via DM or email.’ The overall reactions I got from the responses that followed were that I was attacking people who had positive experiences and that bringing negativity into the group was inappropriate.”).

24. See OFF. OF SAFETY AND SEC., PEACE CORPS, *supra* note 7, at 5 (citing belief that the crime was not serious enough to merit reporting as the top reason for failing to report non-aggravated sexual assault at forty-three percent, as the third-most common reason for failing to report aggravated sexual assault at twenty-two percent, and as the fourth-most common reason for failing to report rape at ten percent (out of eight possible choices)).

25. *Id.* (citing “possible adverse consequences” as the second-most common reason for failing to report both aggravated sexual assault and rape, at twenty-three percent and twenty-two percent, respectively).

26. The term “survivors,” as used throughout this paper, refers to anyone who has experienced SGBV.

27. For an effort to resolve this problem that gestures towards its complex nature, see @PEACECORPSHR, *supra* note 10, at 2 (“3. The Peace Corps must implement a new system for Volunteers and trainees to anonymously report safety and security incidents as they occur to the OVR [Office of Volunteer Resources]; the agency must use that data to self-assess and implement changes as

These intertwined issues—disproportionately high numbers of Volunteers and trainees experiencing SGBV, and the agency undercounting those experiences—are not new.²⁸ The Peace Corps did not begin tracking crime against Volunteers until 1990, making data-driven assessment nearly impossible until the turn of the century; however, by July 2002, Congress’s General Accounting Office had issued the first major report to censure the agency for failures to protect Volunteers and trainees.²⁹ That report was succeeded by an investigative series by the *Dayton Daily News* in 2003³⁰ and comprehensive *ABC News* coverage³¹ of the 2009 murder of Kate Puzey—a Volunteer whose throat was slit after the agency failed to keep confidential her report that a Peace Corps staffer’s brother was sexually assaulting underage girls at the school where she worked.³² Subsequent congressional hearings led the agency to acknowledge that it had incomplete statistics on crime against Volunteers as a result of an underreporting problem.³³ Activist efforts in 2011³⁴ resulted in the passage of the Kate Puzey

necessary. 4. The Peace Corps must collect and publish additional data from Volunteers and trainees about their experiences.” (internal citations omitted)).

28. See, e.g., Kallman, *supra* note 15, at 583 (“There has been a great deal of controversy surrounding the Peace Corps’ handling of sexual assault, whistleblowers and former volunteers having accused the agency of failing to adequately respond to or support victims. Although it has repeatedly defended itself against these accusations, both news coverage and volunteer accounts suggest that the Peace Corps faces major difficulties in its approach to these issues.” (internal citations omitted)); Kitty Mayne, *First Response Action*, FACEBOOK (Jan. 30, 2011), <https://www.facebook.com/groups/131509159234> (“Absolutely nothing has changed since I was a PCV in 82-83. It is still being treated as the victims [sic] fault. I thought after 28 years PC would have a better way to deal with sexual assault, assault and other forms of violence.”).

29. MEISLER, *supra* note 16, at 142–43. It does appear that at least some returned Peace Corps Volunteers were involved in reform activism as early as the 1980s. Kate Finn, *Legacy: Kate Finn’s Board Editorial*, FIRST RESPONSE ACTION (Nov. 16, 2011, 6:30 PM), <http://firstresponseaction.blogspot.com/2011/11/legacy-kate-finns-board-editorial.html> [<https://perma.cc/H5WT-CRYZ>] (“I think we would be remiss to not mention that we are not the first group of Returned Peace Corps Volunteers to bring up this issue. We know several people, often survivors of crime, that have told their stories since the 1980s to effect change. Carol Clark has been telling her story since the 1980s.”).

30. See, e.g., Russell Carollo, *Missing Without a Trace*, DAYTON DAILY NEWS, Oct. 27, 2003, at A1; Russell Carollo, *Dayton Volunteer Details Machete Attack*, DAYTON DAILY NEWS, Nov. 1, 2003, at 9A; *Key Findings*, DAYTON DAILY NEWS, Oct. 26, 2003, at 15 (detailing the paper’s “20-month examination of the Peace Corps”); *Incidents Against Peace Corps Volunteers*, DAYTON DAILY NEWS, Oct. 26, 2003, at A1.

31. See, e.g., *ABC News Investigations of the Year: Peace Corps*, ABC NEWS (Dec. 20, 2011, 2:43 PM) <https://abcnews.go.com/Blotter/abc-news-investigations-year-peace-corps/story?id=15199528>

[<https://perma.cc/9VHK-T9FK>]; see also MEISLER, *supra* note 16, at 143–45 (discussing the reporting and process). While Stanley Meisler, the former deputy director of the Peace Corps’ Office of Evaluation and Research, derides these articles as cherry-picked to create “a lurid, frightening, and surely exaggerated picture of the dangers of serving overseas for the Peace Corps . . . diminished by . . . obvious exaggerations,” the book was published simultaneous to a second wave of reporting which the Peace Corps itself did not claim to be exaggerated. *Id.*

32. Lisa Rein, *A Push to Protect Peace Corps Volunteers*, WASH. POST, June 22, 2011, at B4.

33. Rein, *supra* note 5 (“The lengthy affidavits [of experiences of sexual assaults provided to the House Foreign Affairs Committee by congressional investigators and reported on in 2011] reflect a difficult and troubling side of the Peace Corps, although it is hard to say how widespread violent crime is. The agency has acknowledged that underreporting is high and that its statistics are incomplete.”).

34. See Editorial, *Peace Corps Must Do More to Protect Volunteers Abroad*, BOS. GLOBE (May 20, 2011), http://archive.boston.com/bostonglobe/editorial_opinion/editorials/articles/2011/05/20/peace_corps_must_do_more_to_protect_volunteers_abroad/ [<https://perma.cc/ANA8-43FB>] (describing the work of

Peace Corps Volunteer Protection Act (Kate Puzey Act),³⁵ however, until at least 2014, the agency inaptly modeled its reformed approach to sexual violence off of the United States military.³⁶ This tactic is unsuitable not only because the circumstances under which SGBV occurs are markedly different between the two forms of government service,³⁷ but also because soldiers are federal employees, granting military personnel a different set of entitlements and protections than Volunteers.³⁸ Though the Kate Puzey Act was specifically developed in order to implement best practices regarding sexual assault,³⁹ it lacks enforcement mechanisms.⁴⁰ The Peace Corps has in general received increased scrutiny since the rise

RPCV Casey Frazee encouraging Volunteers and RPCVs who were sexually assaulted while serving to come forward); *see generally* Casey Frazee, FIRST RESPONSE ACTION (Feb. 14, 2014), <http://firstresponseaction.blogspot.com/> [<https://perma.cc/VE4L-9SHS>] (highlighting efforts to “advocate[] for a stronger Peace Corps response for Volunteers who are survivors or victims of physical and sexual violence” on blog).

35. Kate Puzey Peace Corps Volunteer Protection Act of 2011, Pub. L. No. 112-57, 125 Stat. 736, 736 (2011) (noting the Act was enacted “[t]o amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes”).

36. *See* Kallman, *supra* note 15, at 569, 574, 583 (quoting a Peace Corps official as stating that the Peace Corps “is throwing a lot at us, and they’re asking us to base [our response to assault] on the military system. Which A, isn’t working. But it’s the only [federal agency] that has something like that. And B, it’s because their generals are sexually assaulting people below them . . . and that’s not our case. That’s not what we’re dealing with. So, we’re modifying it, and we’re doing a lot of good things with it, but it’s a lot . . . And the last line of it – [our response] ‘shall be done without any additional funds.’ We’re adding a whole new system, whole new department, whole new roles and requirements, without any extra funding.” (modifications in original)).

37. *See id.* at 583–84 (“Not only is the agency asked to adopt a response designed for a wholly different organization, but the military is an explicitly masculine organization wherein the sources of problems are different, and wherein an ethic of ‘colorblindness’ is also salient.”).

38. *Life After the Peace Corps*, PEACE CORPS: FAQs, <https://www.peacecorps.gov/faqs/life-after-peace-corps/> [<https://perma.cc/24ME-6J5L>] (last visited May 15, 2023). While salient, this area would require substantial review of military procedures for adequate comparison and thus constitutes subject matter for additional exploration in a future paper.

39. Kate Puzey Peace Corps Volunteer Protection Act of 2011, Pub. L. No. 112-57, sec. 2, § 8(A)(a)–(b), 125 Stat. 736, 736 (codified as 22 U.S.C. § 2507a(a)–(b)) (“As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault field. . . . In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.”).

40. *See, e.g.*, Staff Reporter, *Peace Corps Volunteers: Poor Response to Sexual Assault Complaints Continues*, HEADLINES & GLOB. NEWS (Dec. 1, 2015, 7:21 AM), <http://www.hngn.com/articles/155548/20151201/peace-corp-volunteers-complain-poor-response-sexual-assault-complaints-continues.htm> [<https://perma.cc/ZK4B-CNZM>] (noting that despite nearly two years of public scrutiny and promises to change on the part of the agency, Volunteers “have claimed the agency still has not improved its handling of sexual assault accusations, according to a recent poll”); Ariel Tu & Rhonda Schwartz, *Former Peace Corps Volunteers Say Agency Failed to Carry Out Reforms on Handling of Sexual Assault Incidents Despite New Law*, LAW & CRIME (June 17, 2022, 2:32 PM), <https://lawandcrime.com/ross-investigates/former-peace-corps-volunteers-say-agency-failed-to-enact-reforms-on-handling-of-sexual-assault-incidents-despite-new-law/> [<https://perma.cc/QTU6-G8YX>].

of the #MeToo movement⁴¹ and especially since the beginning of the COVID-19 pandemic, which has been marked by increased time for and engagement in activism and protests for the seven thousand evacuated Peace Corps Volunteers who were suddenly left jobless.⁴² A series of articles in *USA Today* beginning in 2021 constitutes the most recent investigative reporting on crime in the Peace Corps.⁴³ Yet, just as little changed during prior periods of advocacy, media attention, and legislative intervention,⁴⁴ nothing is likely to change now without

41. The @peacecorpsr Instagram account is modeled similarly to the Instagram account @honorcodestories, which went viral in 2019 and which was “galvanized by . . . the #MeToo movement.” @honorcodestories, INSTAGRAM, <https://www.instagram.com/honorcodestories/> (last visited May 15, 2023); Andrew Reeser, *Instagram Account Highlights BYU Honor Code ‘Horror Stories,’* ABC4 NEWS (Apr. 4, 2019, 12:08 PM), <https://www.abc4.com/news/local-news/instagram-account-highlights-byu-honor-code-horror-stories/> [<https://perma.cc/UU7D-GUJS>] (noting how the account saw a dramatic rise in followers); Dan Levin & Sheli Paige Frank, *Brigham Young Students Protest ‘Weaponized’ Honor Code*, N.Y. TIMES, Apr. 13, 2019, at A11. For more examples of Instagram content critiquing the Peace Corps, see @decolonizingpc, INSTAGRAM, <https://www.instagram.com/decolonizingpc/> (last visited May 15, 2023); @howapcvputsitgently, INSTAGRAM, <https://www.instagram.com/howapcvputsitgently/> (last visited May 15, 2023); and @onediasporacoalition, *One Diaspora Coalition*, INSTAGRAM (Nov. 1, 2020), <https://www.instagram.com/onediasporacoalition/> (noting the account used to be called “How I Saw Peace Corps”).

42. See Maura Barrett & Julia Jester, *Evacuations Leave Peace Corps Volunteers in Limbo Back Home*, NBC NEWS (Mar. 29, 2020, 7:42 AM), <https://www.nbcnews.com/news/us-news/evacuations-leave-peace-corps-volunteers-limbo-back-home-n1170386> [<https://perma.cc/D3J8-PZPL>]. For examples of this activism, see generally @rpcvs4racialjustice, INSTAGRAM, <https://www.instagram.com/rpcvs4racialjustice/> (last visited May 15, 2023); @rpcvsmarch, INSTAGRAM, <https://www.instagram.com/rpcvsmarch/> (last visited May 15, 2023); and @rpcvallies, INSTAGRAM, <https://www.instagram.com/rpcvallies/> (last visited May 15, 2023).

43. See, e.g., Slack & Nadolny, *supra* note 2; Tricia L. Nadolny & Nick Penzenstadler, *Your Tax Dollars Paid a Peace Corps Worker \$258,000 After He Killed a Woman*, USA TODAY (July 14, 2022, 10:40 AM) [hereinafter Nadolny & Penzenstadler, *Your Tax Dollars*], <https://news.yahoo.com/tax-dollars-paid-peace-corps-093011341.html>; Tricia L. Nadolny & Nick Penzenstadler, *State Department Silent on Evacuation of Peace Corps Employee Who Killed Woman in Africa*, USA TODAY (May 22, 2022, 2:59 PM) [hereinafter Nadolny & Penzenstadler, *State Department Silent*], <https://www.usatoday.com/in-depth/news/investigations/2022/05/22/peace-corps-worker-john-peterson-killed-woman-africa-state-department/9714942002/>; Tricia L. Nadolny & Nick Penzenstadler, *Inquiry on Peace Corps Has More Questions*, USA TODAY, May 2, 2022, at A1 [hereinafter Nadolny & Penzenstadler, *Inquiry on Peace Corps*]; Tricia L. Nadolny, Donovan Slack, Nick Penzenstadler & Kizito Makoye, *Families: U.S. Acts ‘Like We Mean Absolutely Nothing,’* USA TODAY, Jan. 21, 2022, at A1 [hereinafter Nadolny et al., *Families*]; Tricia L. Nadolny, Donovan Slack, Nick Penzenstadler & Kizito Makoye, *US Helped Peace Corps Worker Flee Prosecution*, USA TODAY, Dec. 23, 2021, at A1 [hereinafter Nadolny et al., *US Helped*]; Donovan Slack & Tricia L. Nadolny, *Peace Corps Problems Persist*, USA TODAY, Dec. 13, 2021, at A1 [hereinafter Slack & Nadolny, *Problems Persist*]. The series remains ongoing as of fall 2022. See, e.g., Nick Penzenstadler, *5 Scandals That Have Put the Peace Corps in a Negative Light*, USA TODAY (Oct. 31, 2022, 11:23 AM), <https://www.usatoday.com/in-depth/news/investigations/2022/10/24/john-peterson-crash-peace-corps-sexual-assault-kate-puzey-murder/8237142001/>; Tricia L. Nadolny, *Records: Feds Misled Tanzania Police*, USA TODAY, Oct. 28, 2022, at A1.

44. For example, the family of Nicholas Castle, who died while serving as a Volunteer in 2013, did not hear from the Peace Corps about Castle’s cause of death for over eighteen months. Karen Rarey, *Brentwood Couple Files Claim Over Son’s Death While Serving the Peace Corps*, MERCURY NEWS (Sept. 11, 2014, 7:35 AM), <http://www.mercurynews.com/2014/09/11/brentwood-couple-files-claim-over-sons-death-while-serving-the-peace-corps/>. Castle’s family later brought a \$15 million wrongful death claim against the Peace Corps as part of their efforts to seek an apology and change. *Id.*; Sheryl Gay Stolberg, *Report Faults Care of Peace Corps Volunteer*, N.Y. TIMES (Nov. 24, 2014), <https://www.nytimes.com/2014/11/25/world/report-faults-care-of-peace-corps-volunteer.html> (reporting that Castle’s

legally enforceable accountability mechanisms.⁴⁵ Currently, the primary checks on the Peace Corps are investigations by its Office of Inspector General,⁴⁶ presidential authority,⁴⁷ and congressional oversight,⁴⁸ all of which are difficult to come by.⁴⁹

Because there are many ways to understand the causes of⁵⁰ and solutions to⁵¹ SGBV, this Note analyzes a single legal aspect: how the employment relationship

parents were “more interested in seeing the Peace Corps apologize, and improve care for all volunteers”). The Peace Corps Office of Inspector General conducted a review, finding that “there were cascading failures and delays” in Castle’s treatment and offering management suggestions. Memorandum from Kathy A. Buller, Inspector Gen., Peace Corps, to Carrie Hessler-Radelet, Dir., Off. of the Inspector Gen., Peace Corps, and Daljit Bains, Chief Compliance Officer, Off. of the Inspector Gen., Peace Corps 4–5, 27–29 (Nov. 17, 2014) (available at https://www.oversight.gov/sites/default/files/oig-reports/PCIG_Investigative_Review_of_a_Volunteer_Death_in_Peace_Corps_China.pdf [<https://perma.cc/4CG5-68NR>]). After the family’s advocacy efforts, legislation was passed “to expand services and benefits for volunteers.” Sam Farr and Nick Castle Peace Corps Reform Act of 2018, Pub. L. 115-256, 132 Stat. 3650 (codified as 22 U.S.C. § 2501 note). Despite legislative efforts, Volunteers continue to report similar patterns of lacking communication, cascading mistakes, and negligent care. See, e.g., @peacecorpshr, *HR Report #88*, INSTAGRAM (Mar. 29, 2021), <https://www.instagram.com/p/CNA0MTEhvg8/>; @peacecorpshr, *HR Report #80*, INSTAGRAM (Feb. 28, 2021), <https://www.instagram.com/p/CL2NmMWhXdt/>; @peacecorpshr, *HR Report #79*, INSTAGRAM (Feb. 24, 2021), <https://www.instagram.com/p/CLsNX0XBY4o/>; @peacecorpshr, *HR Report #77*, INSTAGRAM (Feb. 20, 2021), <https://www.instagram.com/p/CLhrFNfhCan/>.

45. See Kallman, *supra* note 15, at 571 (“62 percent of all volunteers were women in the 1990s and two-thirds of volunteers were women in 2013. This gendered and racialized basis upon which the Peace Corps was founded (White masculinity, heroism, etc.) is still very present in the organization. The Peace Corps has, in some ways, followed the trajectory of the so-called ‘feminization of development,’ though it retains its masculine contours. In other words, it is getting somewhat more *feminist* as it *feminizes* – though it perhaps can never be fully feminist because of its original design. It has more or less maintained the racial characteristics with which it began. This is not to summarily dismiss the work that thoughtful reformers within the organization have done in attempts to render it more inclusive (such as increased diversity training). It is, however, to say that organizations cannot shrug off their blueprints so easily; the practice of development remains profoundly racialized and gendered – specifically, it is heavily white, though now also heavily female. This plays out both in services that are delivered, but also . . . in the experiences of women who work in this field.” (internal citation omitted)).

46. Analyzed *infra* Section I.C.

47. After a few relocations, see Exec. Order 10924, 26 Fed. Reg. 1789 (1961) (establishing the Peace Corps as “an agency in the Department of State”); Exec. Order 12137, 44 Fed. Reg. 29023 (1979) (making the Peace Corps “an agency within ACTION”), the Peace Corps is an independent agency within the executive branch. The Peace Corps Act, 22 U.S.C. § 2501-1 (1993). Peace Corps Volunteers serve at the pleasure of the President, and all activities, appointments, and determinations are delegated to the President by law. See *id.* § 2504(j).

48. *Leadership*, PEACE CORPS, <https://www.peacecorps.gov/about/leadership/> [<https://perma.cc/5WGY-TMLJ>] (last visited May 15, 2023).

49. See, e.g., Lisa Rein, *Peace Corps Chief Recounts ‘Anguish’ over Violence to Volunteers*, WASH. POST, May 12, 2011, at A12 (describing the motivation for Congressional hearings and legislation, reporting that “[l]awmakers on the committee said they were moved by the women’s accounts — and outraged that for years, as reports of sexual assaults against Peace Corps volunteers have surfaced, little has changed”).

50. See, e.g., Kallman, *supra* note 15, at 572 (“The categories that intersectional analyses seek to deconstruct are also regularly inscribed into organizations through social processes. That is, power relations are frequently purveyed and/or experienced *organizationally*. Patterns of class, race, and gender are not ‘the shards of history, but are continually created and re-created in today’s organizations,’ as . . . work is executed. In the case of development organizations specifically, colonial relations intersect with gendered and class relations, as well as with nationality.” (internal citations omitted)).

between the Peace Corps and its workers⁵² causally contributes to Volunteer and trainee experiences of SGBV and to underreporting, as mutually constitutive halves of the same problem. Part I, Causes of Sexual- and Gender-Based Violence During Service, will assess how three aspects of the federal agency’s unique design foster a permissive environment for SGBV while simultaneously silencing survivors.⁵³ Section I.A will discuss laws and policies that fail to protect

51. See, e.g., Danielle Dryke, *Dear Peace Corps: No One Should Have to Apologize for Being Raped*, INVOKE MAG. (Dec. 11, 2015), <https://invokemagazine.com/dear-peace-corps-no-one-apologize-raped/> [<https://perma.cc/28DF-HZCH>] (“We need to recognize that violence is endemic in our society. I [a former Volunteer who was raped while serving] believe healing it requires us to agree and publicly acknowledge that violent acts are the choice of the perpetrators. Ignoring that truth, as the Peace Corps has, fosters violence by reinforcing harmful social norms and promoting unequal power between genders by allowing alleged male perpetrators to return to service while terminating female victims.”).

52. Though this Note inflects that relationship with intersectional analysis when possible, taking cues from scholar and preeminent Peace Corps researcher Meghan Elizabeth Kallman, it primarily addresses a single identity—sex—due to the near-total lack of disaggregated data regarding Volunteer and trainee identities. Compare Kallman, *supra* note 15, at 571 (writing with “[a]n intersectional framework [that] is premised on the notion that distinctive systems of oppression are co-produced by, and productive of, unequal realities”), and *id.* at 572–73 (noting that intersectional perspectives “have revealed important aspects of gendered power concealed by [development] institutions and practices” and that “[a]n intersectional analysis is part of . . . feminist ‘methodology’ . . . [and] a feminist methodology should ‘do the work of ‘excavation,’ shifting the focus of standard practice from men’s concerns in order to reveal the locations and perspectives of (all) women” (internal citations omitted)), *with id.* at 583 (citing 2010 data showing that “White volunteers comprise 74 percent of the Peace Corps population but make up 82 percent of reported crime victims” and “women comprise 60 percent of volunteers and make up 69 percent of reported crime victims”).

53. For concrete examples of the agency silencing Volunteers, see @peacecorpshr, *HR Report #6*, INSTAGRAM (May 10, 2019), <https://www.instagram.com/p/BxStP9FFUFt/> (“During IST, my cohort had a required feedback session with the DPT [Director of Programming and Training], PM [Program Manager], and TM [Training Manager]. I had sent some critiques to the MT [Master Trainer] but was ignored, so I said it all again. Later, the TM took me aside and told me my ‘attitude’ suggested that PC ‘just isn’t for you.’ So now I just lie on my VRF [Volunteer Reporting Form] in sessions because I don’t want an action plan for attitude and they clearly don’t want to actually change.”); @peacecorpshr, *HR Report #7*, INSTAGRAM (May 11, 2019), <https://www.instagram.com/p/BxUL-Jvlefv/> (“During PST site visit there was a teacher who made me very uncomfortable (hand on my lower back, standing too close, following me around). Afterwards, I asked for culturally appropriate ways to distance myself, and couldn’t get an answer. So I pushed a bit. The first thing the PM said when we sat down was, ‘I can see why people don’t like you. Maybe you aren’t a fit for PC.’ I never did get an answer to my question.”); @peacecorpshr, *HR Report #36*, INSTAGRAM (Sept. 7, 2019), <https://www.instagram.com/p/B2H9YOZhbPG/> (“I recently was medically evacuated and when writing the DOS [Description of Service, the document shared with potential employers in post-service job applications], they told me I shouldn’t mention anything about the abuse I experienced from the headmistress and should omit it completely. There was only one line about how she didn’t want a PCV and how I voiced this to the office often but stayed resilient in my work. I responded, still raw from the trauma of the assault, that I was abused for the entirety of my service and to change that would be a lie. They asked me again to hide it or they would take it out. In frustration and defeat I told them to change it themselves since it’s supposed to be from the CD anyways. This isn’t the first time I’ve been told to hide my experience, that it ‘didn’t really happen.”); and @peacecorpshr, *HR Report #46*, INSTAGRAM (Feb. 23, 2020), <https://www.instagram.com/p/B87vzXaBTyL/> (“During PST, I was sexually harassed on the bus in a really graphic way. I had a good command of the language and knew exactly what they were saying and how they described taking turns raping me. I reported everything to PC staff right away, and was told not to tell other PCV/Ts [Peace Corps Volunteers or trainees] about it since it would ‘make them feel like PC wasn’t safe.’ . . . When I got to site, I was stalked by a group of men[] . . . for about 18 months . . . and was raped about a month before my COS [Close of Service]. I wasn’t able to tell any other PCV/Ts

Volunteers and trainees, falling into five categories: hiring, in-service healthcare, medical evacuation, pay, and firing. Section I.B will cover how the Peace Corps fails to correctly implement or follow those laws and policies, and Section I.C will address the agency's toxic workplace culture. Part II, Solutions and Policy Proposals, delves into two possibilities for disrupting the interlocking mechanisms that insulate the Peace Corps from accountability, forcing the agency to implement measures that would initiate real change and ending the cycle of violence against Volunteers and trainees. Section II.A reviews activism around designating Volunteers and trainees as employees, and Section II.B goes into more incremental ways to drastically shift the agency's cultural attitude towards its workers while providing increased protections and avenues for redress. Ultimately, this Note concludes that legal reform, though difficult to achieve, is necessary to end the disturbing bureaucratic paradox by which the Peace Corps asks Volunteers and trainees to serve "under conditions of hardship,"⁵⁴ justifies unnecessarily risky situations as integral to service,⁵⁵ and then administratively

about it because my RM [Regional Manager] said she would adsep [administratively separate, meaning fire] me for 'spreading lies.'").

54. The Peace Corps Act, 22 U.S.C. § 2501(a).

55. See, e.g., @peacecorpshr, *HR Report #51*, INSTAGRAM (July 6, 2020), <https://www.instagram.com/p/CCTvh2Chxg4/> ("My Peace Corps site was racist. Even other Volunteers of color said so. I'm a woman of unambiguous African descent. The racism I experienced from the day I arrived was visceral. I remember people calling me n[*****] out of windows. People followed me with cameras. People PHYSICALLY BLOCKED ME IN AN ATTEMPT TO FORCE ME TO TAKE PHOTOS WITH THEM. Imagine being surrounded by men in a foreign country who physically accost you on a habitual basis. I don't think people truly understand what this does to a person. . . . My existence put my safety in jeopardy. People stared me down antagonistically, threatened me in the local language assuming I didn't understand, etc. Once, a group of HCNs [(Host Country Nationals)] sat across a table from me at a dinner joking about how they would lure me to a secure location for their 'curiosity.' In retrospect, there were several men who attempted to lure me to secluded locations, which completely violated cultural norms. Men and women who weren't family were never alone together. I think we can all fill in the blanks on what their intentions were. . . . My region had a history of violence. An African-American PCV's life was threatened within 35 miles of where I was placed. The vacuity of the decision to place me in the same region is inexcusable. Further, no one took me aside and said, 'We've had safety issues in this region. Please be aware and let us know if anything arises.' Literally nothing. I discussed many of these incidents with Peace Corps. When I initially experienced racial harassment, Peace Corps always told me, 'well, people are curious,' or victim-blamed me in some other capacity. Here's the thing: curiosity isn't necessarily innocuous. And I genuinely wonder if it'll take someone being raped or killed in my country for Peace Corps to understand that. Lastly, aside from a haphazard, bullshit public disclaimer acknowledging that some Volunteers had a 'difficult experience,' I don't think any staff ever took my hand and earnestly said, 'I'm really sorry all of this happened to you.'"); @peacecorpshr, *HR Report #55*, INSTAGRAM (July 25, 2020), <https://www.instagram.com/p/CDE51QvhT-8/> ("I should have never been placed with my counterpart. Staff knew that after our training group had a retreat where we met our counterparts and visited our new sites. My counterpart was overly sexual and didn't hide it in front of Peace Corps higher-ups. He was so overt that they pulled me aside and told me not to wear anything to provoke his sexual harassment. . . . Needless to say it was a miserable 2 years and everytime [sic] I tried to work with my counterpart it was horrible and degrading. After seeing how he acted at the retreat someone should have stuck up for my safety and wellbeing instead of just having a talk with me about my attire."); @peacecorpshr, *HR Report #59*, INSTAGRAM (Aug. 20 2020), <https://www.instagram.com/p/CEHrzlmh99u/> ("At an in-service conference, another Volunteer raised significant concerns about how our post was equipped to handle our personal security, and our Safety and Security Manager

punishes Volunteers and trainees who survive incidents of SGBV.⁵⁶

I. CAUSES OF SEXUAL- AND GENDER-BASED VIOLENCE DURING SERVICE

Though the Peace Corps extolls the benefits of its tripartite Safety and Security Model, under which Volunteers carry the bulk of the responsibility for preventing incidents from taking place,⁵⁷ service with the agency is inherently risky. Peace Corps Volunteers and trainees, by appearance, behavior, or linguistic ability, will in general stand out as foreigners, and thus may be targets for criminal activity in ways they would not in a U.S. workplace.⁵⁸ Congress anticipated this when it wrote the Peace Corps Act, noting that

it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, *under conditions of hardship if necessary*, to help the peoples of such countries and areas in meeting their needs for trained manpower.⁵⁹

These “conditions of hardship,” however, should not be a fallback on which the Peace Corps can justify the enormous—and increasing—number of Volunteers returning to the United States from “the toughest job you’ll ever love”⁶⁰ with the trauma of SGBV. Indeed, Volunteers’ willingness to serve under conditions of hardship, far from absolving the Peace Corps of responsibility for their

did not adequately address those concerns, telling us that confronting the sexism in the host country’s culture was ‘not our fight.’”).

56. See, e.g., discussion *infra* Section I.A.5; @peacecorpshr, *HR Report #46*, INSTAGRAM (Feb. 23, 2020), <https://www.instagram.com/p/B87vzXaBTyL/> (threatening repercussions); @peacecorpshr, *HR Report #58*, INSTAGRAM (Aug. 15, 2020), <https://www.instagram.com/p/CD6zqB8Bz4h/> (fearing repercussions); @peacecorpshr, *HR Report #81*, INSTAGRAM (Mar. 1, 2021), <https://www.instagram.com/p/CL4683ZBfPP/> (threatening and dispensing actual repercussions).

57. The Peace Corps’ Safety and Security Model is based on three concepts. OFF. OF SAFETY & SEC., PEACE CORPS, SAFETY AND SECURITY HIGHLIGHTS TO HELP YOU PREPARE FOR PEACE CORPS SERVICE 4–5 (2011), https://files.peacecorps.gov/multimedia/pdf/documents/safety_and_security_highlights.pdf [<https://perma.cc/2YPZ-G8SJ>]. First, integration “reflects the principle that Volunteers are safest when they are in their respective communities and when they have established relationships with community members, host families, and others to create an effective support network.” *Id.* at 4. Second, mitigation “reflects all the actions taken to reduce the likelihood of a safety and security incident occurring or the impact if one does occur. Through comprehensive risk assessments and effective site preparation, posts are able to identify areas where Volunteers can serve with relative safety.” *Id.* at 5. Third, response strategies “are in place in the event that there is a specific threat to the well-being of Volunteers. Emergency Action Plans (EAPs) provide posts with flexible strategies to address a variety of crises that may arise.” *Id.*

58. Kallman, *supra* note 15, at 568–71.

59. Peace Corps Act, Pub. L. No. 87-293, § 2, 75 Stat. 612, 612 (1961) (codified as 22 U.S.C. § 2501) (emphasis added).

60. Peace Corps, *Volunteer: The National Center*, YOUTUBE, at 00:52 (1987), <https://www.youtube.com/watch?v=PmLJz0j3g0U> (uploaded to YouTube by BetaGems Lost Media and titled “Peace Corps 1987 PSA ‘Toughest job you’ll ever love’”).

safety,⁶¹ burdens the agency with a commensurate duty to mitigate those risks, and any resulting harms, such that Volunteers can successfully complete their work—a duty which the Peace Corps fails to meet because of laws and policies that do not protect Volunteers, agency-wide failure to follow existing laws and policies, and a toxic workplace environment.

A. EXISTING LAWS AND POLICIES FAIL TO PROTECT VOLUNTEERS

The Peace Corps is unique by design: it is simultaneously a federal agency predominantly located outside the United States and a development organization reliant on volunteer labor.⁶² As a result, its structure is also unusual, from the laws framing its foundation to the policies that define its day-to-day workings.⁶³ These laws and policies most explicitly pertain to Volunteer and trainee experiences of SGBV in five areas: hiring, in-service healthcare, medical evacuation, pay, and firing, with the Peace Corps maintaining strict control over all areas of the lives of Volunteers and trainees.⁶⁴ In each of these five areas, the Peace Corps'

61. The Peace Corps frequently uses sexist and victim-blaming language when discussing matters of Volunteer safety in training materials. *See, e.g.*, OFF. OF SAFETY AND SEC., PEACE CORPS, *supra* note 57, at 3 (“In many countries, female Volunteers can expect to receive significant unwanted attention and harassment. The greater freedom women have in the United States in comparison to women in many Peace Corps countries may make adjusting difficult, but it is critical to create and maintain a culturally appropriate lifestyle in order to maximize personal safety. . . . It is important to remember that rape/sexual assault is never the victim’s fault. During pre-service training you will receive training on ways to mitigate your own and your fellow Volunteers’ risk of sexual assault.”); PEACE CORPS BENIN, THE WAY THINGS WORK: PEACE CORPS BENIN POLICIES AND PROCEDURES 13 (2019) (“The consequences of dressing inappropriately include unwanted attention, harassment, and lack of respect from co-workers and community members.”); PEACE CORPS COLOMBIA, VOLUNTEER HANDBOOK 14 (2019) (“Alcohol consumption may also affect your safety, as [it] is highly related to placing oneself in high-risk situations or being unable to deal with them if they occur.”); PEACE CORPS ECUADOR, VOLUNTEER HANDBOOK 14 (2019) (“You should conduct yourself in a manner reflecting positively on the Peace Corps and the United States. Appropriate conduct is critical to the Peace Corps because it is intimately tied to the reputation and effectiveness of the Agency’s Volunteer program and the safety and security of Peace Corps Volunteers (PCVs) and post staff.”); PEACE CORPS, PERU VOLUNTEER HANDBOOK 19 (2020) (“Alcohol seriously impairs judgment and even the responsible drinker may unwittingly place themselves in dangerous or unfortunate situations. It is estimated that up to 80% of violent crimes, including robberies and sexual assaults, involving V/T [Volunteers and trainees] are related in some way to alcohol consumption either on the part of the V/T, a companion, or the offender. Excessive use of alcohol can also lower the credibility Volunteers have earned and lower the impression of the United States and Peace Corps, thus affecting the ability of Volunteers to work effectively in their communities.”); @peacecorpshr, *HR Report #55*, INSTAGRAM (July 25, 2020), <https://www.instagram.com/p/CDE5IQvhT-8/>.

62. MEGHAN ELIZABETH KALLMAN, THE DEATH OF IDEALISM: DEVELOPMENT AND ANTI-POLITICS IN THE PEACE CORPS 22–24 (2020).

63. *Id.* at 13–14, 23.

64. The Peace Corps is structured such that all staff, including part-time contractors, may have input as to whether a trainee or Volunteer is fit to serve, with the Country Director (CD) as the ultimate authority for all employment decisions in-country. *See* PEACE CORPS, MANUAL, MS 204 § 4.4 (2022) [hereinafter PEACE CORPS, MANUAL], <https://www.peacecorps.gov/about/open-government/peace-corps-manual/> [<https://perma.cc/F9UA-M3QH>]. Trainees must successfully complete the eleven-week orientation program, including graded language work, adherence to medical and safety and security guidelines, and general dress codes and attitude and demeanor expectations, in order to be considered qualified for field placement and graduate to Volunteer status. Staff decide their site placement (where

processes disincentivize reporting, increase the likelihood that Volunteers and trainees will experience SGBV, or both.

1. Hiring

Hiring and screening practices that would ordinarily be illegally discriminatory under U.S. law are permitted for the Peace Corps’ purposes,⁶⁵ helping create an environment which discourages survivors from reporting SGBV. Hiring most overtly intersects with SGBV in the medical clearance process.⁶⁶ Invitees must pass a rigorous health evaluation; seeking mental health services after receiving clearance⁶⁷ or in the twelve months prior to the clearance process may be grounds for disqualification.⁶⁸ This both inhibits interested applicants from proactively

they will live for their two years of service), host family placements, and counterparts (the organization(s) or person(s) with whom they will work for their two years of service). If a CD is retaliatory, or unaware or careless towards retaliation on the part of lower level staff who recommend a Volunteer or trainee be terminated, the Volunteer or trainee has no appeals process. *See* PEACE CORPS, VOLUNTEER HANDBOOK 92–94 (2014) [hereinafter PEACE CORPS, VOLUNTEER HANDBOOK] (describing appeals processes for medical separation and interrupted service processes, but not for administrative separation). Additionally, although certain activities, such as actual or rumored drug possession, use, or sale, trigger automatic administrative separation, these do not include SGBV by Volunteers or trainees. *See* PEACE CORPS, MANUAL, *supra*, at MS 204 § 4.6.5. For an example of retaliatory behavior, see @peacecorpshr, *HR Report #29*, INSTAGRAM (Aug. 16, 2019), <https://www.instagram.com/p/B1Pnt91hA8O/> (“I thought I had been confiding in a medical professional outside of PC’s scope (I assumed me being a danger to myself or others was reportable as is the usual case but that wasn’t an issue for me). I was told after the fact that the therapist was required to report to PC what was talked about in sessions. This made me severely uncomfortable. It just was an absolute shock because PC staff were the ones to corner me with this revelation. They were abrasive with a heavy hand of gaslighting and a very high school feeling of ‘we know what you’ve been saying about us to your little *friend* and we’ll get you back for it.’”).

65. For example, same-sex couples are not eligible to serve in countries where homosexual activities are illegal, and the Peace Corps may invite a same-sex couple to serve in a country where they will be advised not to openly discuss their sexuality or gender identity. *See* LGBTQI+, PEACE CORPS: FAQs, <https://www.peacecorps.gov/faqs/lgbtq/> [<https://perma.cc/CX57-8653>] (last visited May 15, 2023). Additionally, the Peace Corps only reimburses certain medical expenses incurred during the process of obtaining medical clearance, with the medical “tasks” varying dependent on the applicant’s medical history; an invitee with preexisting medical conditions or a disability is likely to have more tasks and incur greater personal expenses in order to be cleared. *See* *Medical Information for Applicants*, PEACE CORPS [hereinafter PEACE CORPS, *Medical Information*], <https://www.peacecorps.gov/volunteer/health-and-safety/medical-information-applicants/#medical-clearance-process> [<https://perma.cc/RXK3-G5S7>] (last visited May 15, 2023).

66. Invitees must also pass a security clearance involving a background check. *See* *Legal Information for Applicants*, PEACE CORPS, <https://www.peacecorps.gov/volunteer/legal-information-applicants/#background> [<https://perma.cc/2ARR-J7WF>] (last visited May 15, 2023). This could preclude those who have been in abusive relationships or victims of other forms of SGBV in racial and classist ways. *See, e.g.*, Alaina Richert, Note, *Failed Interventions: Domestic Violence, Human Trafficking, and the Criminalization of Survival*, 120 MICH. L. REV. 315, 326 (2021) (noting the racial dynamics of victimhood as a defense to criminal charges stemming from abuse). Unfortunately, there is no data on the rates of or rationales for these exclusions.

67. *See* PEACE CORPS, *Medical Information*, *supra* note 65.

68. *See, e.g., id.* (“If, after your clearance, you . . . undergo therapy or treatment . . . you must notify [Peace Corps’ Office of Medical Services] immediately, as any significant change in your health may affect your medical clearance.”); Marjorie Saunders, *The Peace Corps’ Response to Sexual Assault: I Need a Lobotomy*, HOW I SAW PC (May 4, 2021), <https://marjorieinlmghreb.wordpress.com/2021/05/04/the-peace-corps-response-to-sexual-assault-i-need-a-lobotomy/> [<https://perma.cc/9MHE-G988>]

seeking the kind of mental health support that could be beneficial in the event of a traumatic experience during service⁶⁹ and precludes applicants with disabilities that require ongoing mental healthcare.⁷⁰ The latter would ordinarily be illegal under the Americans with Disabilities Act (ADA),⁷¹ but the Peace Corps rationalizes the medical clearance process by noting that, due to the nature of Volunteers' work,⁷² the agency may be unable to support certain medical needs, such as access to a therapist, at some or all posts.⁷³

The Peace Corps' discrimination against applicants with disabilities, and the opacity of its determinations as to whether and where an invitee can serve⁷⁴—and

(“[H]aving an understanding of how getting a medical clearance works, I sought out a therapist because I knew there would be documents she would need to fill out for the Peace Corps. Since I indicated I had depression and anxiety, as I predicted, the Peace Corps sent me a packet they required a ‘mental health professional’ to fill out. . . . When filling out the mental health section of the medical clearance packet, one of the questions asked if I had been to see a therapist in the past twelve months. Seeing how it was a requirement to see a mental health professional to complete the packet, I indicated that I had seen a therapist. Once I submitted the forms, a pre-service nurse reached out to me saying she was assigned to my case. She went on to say that it would be very difficult for me to receive my medical clearance because I had been to therapy in the past twelve months. I asked if she realized what she had just said.”).

69. The lack of preparation for traumatic events has been an ongoing complaint since at least 2011. *See Rein, supra* note 49 (“The women’s harrowing experiences in developing countries arose in different circumstances at different times. But the witnesses’ themes were the same: They said the Peace Corps did little to train its workers and volunteers in strategies to avoid or deal with violent attacks.”).

70. The second category is disproportionately female. *See generally* DANIEL FREEMAN & JASON FREEMAN, *THE STRESSED SEX: UNCOVERING THE TRUTH ABOUT MEN, WOMEN, & MENTAL HEALTH* (2013) (concluding that women are up to forty percent more likely than men to develop a mental health condition or conditions). Evidence suggests that people who have been sexually assaulted are more likely to experience another incident of sexual violence; the agency precludes at least some of these applicants from service, which should be factored into consideration of the percentage of PCV/Ts that experience sexual violence during service. *See generally* MICHELE C. BLACK, KATHLEEN C. BASILE, MATTHEW J. BREIDING, SHARON G. SMITH, MIKEL L. WALTERS, MELISSA T. MERRICK, JIERU CHEN & MARK R. STEVENS, *CTRS. FOR DISEASE CONTROL & PREVENTION, NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY: 2010 SUMMARY REPORT 83* (2011), https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf [<https://perma.cc/6T4Q-PNV7>] (“These data provide further evidence that when victimization occurs, particularly when it occurs in childhood, it is often repeated in adulthood.”); NAT’L SEXUAL VIOLENCE RES. CTR., *SEXUAL REVICTIMIZATION: RESEARCH BRIEF 8* (2012), https://www.nsvrc.org/sites/default/files/2012-06/publications_NSVRC_ResearchBrief_Sexual-Revictimization.pdf [<https://perma.cc/6VRV-T6HV>] (finding “significant correlation between [childhood sexual abuse] and adult sexual revictimization”); ROBERT DAVIS, PAMELA GUTHRIE, TIMOTHY ROSS & CHRIS O’SULLIVAN, *REDUCING SEXUAL REVICTIMIZATION: A FIELD TEST WITH AN URBAN SAMPLE 2* (2006), <https://www.ojp.gov/pdffiles1/nij/grants/216002.pdf> [<https://perma.cc/3N8J-LSN8>] (“Women who become victims of sexual assault are at much higher risk than other women of being victimized again.”).

71. *See generally* JONATHAN R. MOOK, *AMERICANS WITH DISABILITIES ACT: EMPLOYEE RIGHTS AND EMPLOYER OBLIGATIONS* § 4 (LEXISNEXIS 2022); *id.* § 5. Although salient, full analysis of federal responsibilities under the ADA would require exploration in a separate note.

72. *See* PEACE CORPS, *Medical Information, supra* note 65. This is apparently a reference to Volunteer service taking place predominantly in formerly colonized countries. *See Countries*, PEACE CORPS, <https://www.peacecorps.gov/countries/> [<https://perma.cc/W2SB-8L4N>] (last visited May 15, 2023).

73. *See* PEACE CORPS, *Medical Information, supra* note 65.

74. For one online discussion of personal experiences navigating obstacles to obtaining medical clearance, see *Has Anyone Faced NOT Being Medically Cleared?*, REDDIT (Mar. 17, 2016, 1:59 PM), https://www.reddit.com/r/peacecorps/comments/4auayd/has_anyone_faced_not_being_medically_cleared/ [<https://perma.cc/BU2J-LPBV>].

even in which countries the agency will open posts⁷⁵—can be tied to Volunteer and trainee experiences of SGBV during service in three ways. First, the agency’s hiring processes suggest that it continues to approach its mandate from a traditionalist perspective: a 1960s vision of able-bodied youth channeling their enthusiasm into digging ditches.⁷⁶ Between the agency’s stringent medical clearance process and its failure to include people with disabilities, its unspoken message is that survivors cannot be successful Volunteers if the trauma of SGBV significantly impacts their health. This message is further projected through the second way the Peace Corps’ hiring processes are tied to SGBV: the planned and acknowledged unavailability of long-term mental health care, which is

75. For instance, Timor Leste had the highest crime rate of any Peace Corps post and the highest rate of non-aggravated sexual assaults from 2014 to 2018—and the most commonly reported serious crime was aggravated sexual assault. *See* OFF. OF SAFETY AND SEC., PEACE CORPS, 2019 REPORTED CRIME VICTIMIZATIONS & INCIDENCE RATES 5–40 (2020). Sixty-two percent of crimes were reported by female-identified Volunteers, even though women were only approximately thirty-nine percent of the Volunteer population, and there were eight reports of SGBV in 2019 alone. OFF. OF SAFETY AND SEC., PEACE CORPS, 2019 COUNTRY PROFILE: TIMOR-LESTE (2020), <https://files.peacecorps.gov/manuals/countrydata/timorleste.pdf> [<https://perma.cc/BKW5-SX4G>]. Timor-Leste is closely followed by Indonesia, *see* OFF. OF SAFETY AND SEC., PEACE CORPS, 2019 COUNTRY PROFILE: INDONESIA (2020), <https://files.peacecorps.gov/manuals/countrydata/indonesia.pdf> [<https://perma.cc/J4XQ-NN9J>] (recording non-aggravated and aggravated sexual assaults as the most-reported non-serious and serious crimes, respectively, with eighty-four percent of reported crimes experienced by female Volunteers), and the Kyrgyz Republic, *see* OFF. OF SAFETY AND SEC., PEACE CORPS, 2019 COUNTRY PROFILE: KYRGYZSTAN (2020), <https://files.peacecorps.gov/manuals/countrydata/kyrgyzrepublic.pdf> [<https://perma.cc/9ZZL-KWHU>] (recording non-aggravated and aggravated sexual assaults as the most-reported non-serious and serious crimes, respectively, with 877 of reported crimes experienced by female Volunteers). Can countries with such high crime rates truly be considered safe for Volunteers? Is it fair to Volunteers and in keeping with the Peace Corps’ ethos to keep these posts open when female-identified Volunteers will disproportionately bear the burden of sexual trauma? For an example of a Volunteer’s perspective on this question, see @peacecorpshr, *HR Report #13*, INSTAGRAM (May 16, 2019), <https://www.instagram.com/p/BxiMDEzFGhZ/> (“My post has a lot of problems with physical and sexual assault. I have lots of stories and examples of my own, but what I’m going to share is more of a general response to the many conversations we had, both as individuals and groups, with our CD, DPT, SSM [Safety & Security Manager], and PCMO. Peace Corps never had any plan of action. When I asked what post will do to bring down the rate of sexual assault, I was told, ‘this is a political issue and a social norm here, so we can’t say or do anything about it.’ When I followed up with, ‘does a country that can’t _not_ assault female Volunteers even deserve Peace Corps? At what point do you value safety over good PR?’ no one had an answer. There were 16 reported rapes in a one-year reporting period. My post has about 70 PCVs serving.”).

76. *See generally* MEISLER, *supra* note 16; KALLMAN, *supra* note 62, at 5. This is despite the fact that two out of the Peace Corps’ three goals relate to intercultural exchange, and addressing ableism in other countries has been written into its mandate. *See* The Peace Corps Act, 22 U.S.C. § 2501(a) (stating that the Peace Corps should “help . . . countries . . . in meeting their needs for trained manpower[,] . . . help promote a better understanding of the American people on the part of the peoples served[,] and [help promote] a better understanding of other peoples on the part of the American people”); *id.* § 2502(h) (“In recognition of the fact that there are over 400,000,000 disabled people in the world, 95 percent of whom are among the poorest of the poor, the Peace Corps shall be administered so as to give particular attention to programs, projects, and activities which tend to integrate disabled people into the national economies of developing countries, thus improving their status and assisting the total development effort.”). A more modern approach to that mandate would reflect the understanding that diversity has intrinsic value, and that legal protections of that diversity in the workplace overseas are necessary for the Peace Corps to avoid being a hollow symbol of neocolonialism.

considered key to preventing the development of mental health conditions such as post-traumatic stress disorder (PTSD).⁷⁷ This approach is presumptively outdated given the widespread availability of telehealth services,⁷⁸ the Peace Corps' own implementation of "virtual service" in response to the COVID-19 pandemic,⁷⁹ and the agency's requirements for adequate communication with Volunteers:

All sites will be developed in order to allow for adequate communication between Volunteers and post. [Volunteers and trainees] must have access during the course of a day to a reliable means of communication. Acceptable means of communication include, but are not limited to, phone, cell phone, email, text message, 2-way radio, or vehicle. The post must be able to communicate with every [Volunteer and trainee] site, under normal circumstances, within a 24-hour period.⁸⁰

Thus, by design, at least some countries deemed medically unsafe for qualified invitees who need mental healthcare will likely also be unsafe for the roughly one-third of the Volunteers at that post who survive SGBV to continue service.⁸¹ Third, the agency's ability to discriminate against applicants with disabilities in general, and invitees, Volunteers, and trainees who develop disabilities subsequent to an incident of SGBV specifically,⁸² evades full integration of their

77. EFFECTIVE HEALTH CARE PROGRAM, DEP'T OF HEALTH & HUM. SERVS., INTERVENTIONS FOR THE PREVENTION OF POST-TRAUMATIC STRESS DISORDER (PTSD) IN ADULTS AFTER EXPOSURE TO PSYCHOLOGICAL TRAUMA (2012), https://effectivehealthcare.ahrq.gov/sites/default/files/pdf/ptsd-adults-trauma-interventions_research-protocol.pdf [<https://perma.cc/TVB7-2LQE>]. Inaccessible mental healthcare likely has long-term impacts on the health of returned Peace Corps Volunteer survivors.

78. See, e.g., Oleg Bestseny, Greg Gilbert, Alex Harris & Jennifer Rost, *Telehealth: A Quarter-Trillion-Dollar Post-COVID-19 Reality?*, MCKINSEY & CO. (July 9, 2021), <https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/telehealth-a-quarter-trillion-dollar-post-covid-19-reality> [<https://perma.cc/2VBM-GMUC>]. The Peace Corps itself was also already using telehealth services in at least a limited capacity as of 2019. See, e.g., Email from Carmen Serrano, Peace Corps Med. Officer, Peace Corps Ecuador, to author (Feb. 22, 2019, 2:32 PM) (on file with author) (offering Volunteer phone counseling).

79. See *Virtual Service Pilot*, PEACE CORPS, <https://www.peacecorps.gov/faqs/virtual-service-pilot/> [<https://perma.cc/PZ2X-DKYJ>] (last visited May 15, 2023).

80. PEACE CORPS, MANUAL, *supra* note 64, at MS 270 § 6.3; see also *id.* § 6.0 ("The quality of a Volunteer's site, housing, and work assignment is a critical feature of a safe Volunteer experience. Each post must ensure that Volunteer sites, housing, and work assignments are appropriate and meet all Peace Corps and post-established criteria.").

81. See @peacecorpshr, *HR Report #39*, INSTAGRAM (Sept. 30, 2019), <https://www.instagram.com/p/B3DrVlfBjYx/> ("I was recently diagnosed with PTSD and I know it is directly related from trauma as a result of my PC service. I am disappointed at the lack of acknowledgement on PC's end of things that this is something PCVs experience. I have found very little/zero resources on PC service and PTSD and I think it's an area PC needs to do more about. I just want to let other RPCVs know that they are not alone and if they believe they are experiencing PTSD symptoms to please seek help as soon as possible and that it's not their fault.").

82. See *Peace Corps Volunteers Blamed, Punished for Reporting Sexual Assault?*, CBS NEWS (Nov. 30, 2015, 7:40 AM), <https://www.cbsnews.com/news/cbs-news-finds-peace-corps-volunteers-blamed-fired-after-reporting-sexual-assault/> [<https://perma.cc/AYM3-NQUF>] ("CBS News found some Peace Corps employees attempting to limit the number of in-country counseling sessions for sexual assault survivors to a maximum of six. In one 2014 email, a Peace Corps clinical psychologist said of a

perspectives. This lack of diversity permits the Peace Corps to avoid restructuring its processes around retention of these individuals, allowing the problem to self-perpetuate. The Peace Corps could successfully meet its mandate while raising the floor on in-country healthcare expectations either through redistribution of its current budget or with an increased budget, underscoring that the agency simply does not consider the needs of Volunteers a priority.⁸³

2. In-Service Healthcare⁸⁴

The Peace Corps retains almost unprecedented control over all aspects of invitee, trainee, and Volunteer health and healthcare from the application process through the end of service.⁸⁵ The agency requires that Volunteers and trainees

volunteer: the ‘need for ongoing therapy is an indication’ the volunteer was ‘not a good fit for Peace Corps Service.’”).

83. The agency already requires that Volunteers in even the most remote sites have regular access to cellular or internet service for emergency purposes. *See* OFF. OF SAFETY AND SEC., PEACE CORPS, *supra* note 57, at 7 (noting that even in areas where a community or region lacks access to telephones or computers, “[t]he Peace Corps develops sites to ensure that there are ways to reach a Volunteer in each location and requires Volunteers to establish an emergency contact system in their communities”).

84. *See generally* @PEACECORPSHR, *supra* note 10, at § 8 (“The Peace Corps must provide invitees, trainees, and Volunteers access to adequate healthcare—including mental—before, during, and after service.”).

85. The medical clearance process is notoriously difficult, and if the Peace Corps discovers that a trainee or Volunteer omitted anything from their application, it is grounds for immediate termination. PEACE CORPS, MANUAL, *supra* note 64, at MS 284 § 8.0 (outlining process regarding “misleading, inaccurate, or incomplete information in [Peace Corps] application process” (capitalization modified)); *see Why Is Medical Clearance a Pain in the...*, REDDIT, https://www.reddit.com/r/peacecorps/comments/yy5usx/why_is_medical_clearance_a_pain_in_the/ [<https://perma.cc/8M62-6YP2>] (last visited May 15, 2023); @peacecorpshr, *HR Report #37*, INSTAGRAM (Sept. 9, 2019), <https://www.instagram.com/p/B2M0SelhrO6/> (“I have a history of minor anxiety, but as Peace Corps was my dream job, I chose not to disclose on my application, thinking it would make me a less attractive candidate. After arriving at site, I experienced some situational anxiety mainly associated with lack of work at site and feeling useless. I decided to make contact with a family friend who is a licensed therapist from the States. We began talking every other week, and I personally paid her fees. After a while, I decided that I wanted to start anxiety medication. I was never in a distraught state or having a mental breakdown, I just wanted a little extra help. After talking to other PCVs in our peer support network, I was assured that I could ask PCMO for medication, and it would not result in me immediately being medically evacuated. My therapist sent them an assessment saying that although I was adjusting well and mentally stable, I could benefit from anxiety medication. My PCMO was nice about it, and never acted like I was going to be sent home. A nurse practitioner from DC reached out to me to make a phone appointment. When she called, it was actually her and another woman on the phone. We talked for about 30 minutes, with them using a quite aggressive tone when asking about my history and my going outside of the Peace Corps to seek therapy. At the end of our conversation, they told me they had known before speaking to me I had to med-evac. I was so shocked and upset. I was crying so hard on the phone as they told me that I had no other choice but to head to the capital within a few days. This moment was the most anxiety I have ever[] had in country. On top of that, she told me her advice was to not get medicine and only do talk therapy if I wanted to come back. The whole reason I reached out to them was to get medication, I am already in talk therapy. I am now at home in therapy and on medication, waiting for my decision day. I have talked to many medical professionals since returning, and all of them have told me the same thing: It’s discrimination. My anxiety has never affected my work, and all I wanted . . . is a little extra help, and I’m being treated like I’m incapable of service.”). Moreover, during training and service, “[n]on-compliance with [PCMO] instructions and lack of adherence to required medications can result in administrative or medical separation.” *Medical Care During Service*, PEACE CORPS, <https://www.peacecorps.gov/volunteer/health-and-safety/medical-care-during-service/> [<https://perma.cc/5BBP-AARS>] (last visited May 15, 2023); *see also Find a Doctor: Getting Care When on Active Duty*,

seek medical care exclusively from, and adhere strictly to, directions given by the Peace Corps Medical Officer or Officers (PCMO),⁸⁶ often locally hired staff providers.⁸⁷ Any outside care, including seeking a second opinion—even from a U.S.-qualified or -based medical professional—is prohibited absent permission or emergency circumstances.⁸⁸ A Volunteer or trainee who is raped and does not wish to report to PCMO, perhaps because the only PCMO in country is male or has made victim-blaming comments,⁸⁹ and instead seeks healthcare from a local healthcare provider or contacts a physician in the United States may be fired

TRICARE (Aug. 31, 2022), <https://perma.cc/WT54-6JVZ> (mandating that military personnel receive healthcare through their installation while on active duty). *But see Healthcare & Insurance: Healthcare*, U.S. OFF. OF PERS. MGMT., <https://www.opm.gov/healthcare-insurance/healthcare/> [<https://perma.cc/PC9Z-TYFY>] (last visited May 15, 2023) (providing, but not mandating enrollment in, health insurance plans for federal employees).

86. *See* PEACE CORPS, MANUAL, *supra* note 64, at MS 262 § 3.0(b) (“Because V/Ts [Volunteers and trainees] face significant health risks, and immediate access to health care overseas is often limited, V/Ts are expected to follow both Peace Corps medical policies and the medical advice of their PCMO. V/Ts who refuse to take required immunizations/vaccinations and medical prophylaxes will be administratively separated, as set out in MS 284 *Early Termination of Service*. In addition, a V/T who fails to follow other medical advice or policies may be administratively separated, where such failure poses a serious risk of harm to the V/T or others.”).

87. PEACE CORPS, *supra* note 85.

88. PEACE CORPS, MANUAL, *supra* note 64, at MS 262, § 5.1 (“[Volunteers and trainees] will receive all necessary medical care and services primarily through, or under the direction of, the PCMO at Post and through local health care providers in country, as necessary. Prior authorization from the PCMO is required (except in emergencies) for all medical and dental care not provided directly by the PCMO (or, where available, an RMO [Regional Medical Officer]).”); *see* @peacecorpshr, *HR Report #26*, INSTAGRAM (Aug. 8, 2019), <https://www.instagram.com/p/B06kdjIhVNA/> (“During training, I contacted a doctor from home with a medical question via email, then brought that answer to PCMO to request a change in my medical care. Not only did they refuse to make the change (no reason given), they threatened to adsep [administratively separate] me if I so much as spoke to a non-Peace Corps doctor again. I guess that should have been my hint that PC is not a safe or healthy environment because months later, when I needed bloodwork (again according to doctors back home, not a hypochondriac), PCMO refused to do it. I ended up paying out of pocket without telling them at the private hospital they sent me to for other labs. The lab results were highly abnormal, so I told PCMO, only to be threatened again with an adsep (literally, I paid for their lab to do extra tests on a vial of blood PCMO had drawn) and have them refuse to take action. I lost 25 pounds in a couple of months, slept 18+ hours a day, was afraid I might accidentally blow up my house because I couldn’t think straight, and thought about dying all the time. I kept telling PCMO my symptoms, and they did nothing for months. We all laugh about PC healthcare memes, but now that I’m home and seeing real doctors, I realize I’m lucky I got out when I did. The incompetence was beyond dangerous.”).

89. *See, e.g.,* @peacecorpshr, *HR Report #1*, INSTAGRAM (May 6, 2019), <https://www.instagram.com/p/BxHBpGTlr5Y/>; Kallman, *supra* note 15, at 586 (“While medical attention is readily available for volunteers, data suggest that this attention can be insensitive to the needs of women because it fails to take culture and identity into account. One woman who served in the 2010s in North Africa mused: ‘I would say I think one of the reasons that questions of sexual assault are [hushed] is, for a while, all of our doctors were Moroccan. . . . And so [volunteers] felt that they were being judged by the fact that they are unmarried and sexually active. So, a year in, we had an incident where a volunteer actually died . . . because of that, there was an overhaul of the medical team.’ . . . Women in this setting were more stigmatized for sexual activity than men, and yet, until someone literally died, the Peace Corps continued to engage male doctors.”).

through the Peace Corps’ for-cause firing process, termed “administrative separation” (discussed further in Section I.A.5), for doing so.⁹⁰

If a Peace Corps Volunteer or trainee wants a review of the level of care provided by the Peace Corps, their primary avenue of redress is through the Peace Corps Quality Improvement Unit Hotline.⁹¹ This process can be fraught, however. If anything that the Volunteer or trainee reports is not available in their online file,⁹² the Quality Improvement Unit will begin its process of review by either traveling to the post or requesting the reporter’s physical records from PCMO, thus alerting PCMO that they have been reported and by whom, leaving the reporter vulnerable to retaliatory behavior.⁹³ Take, for instance, a Volunteer in Thailand who was raped by a man she met at a bar in Bangkok and chose to see PCMO, only for PCMO to fail to provide the appropriate resources:

Sitting across from a Peace Corps doctor three days [after the rape], the 34-year-old woman threw up several times and ‘requested mental health support,’ according to the doctor’s notes.

The doctor wrote that there wasn’t time because the volunteer’s flight was early the next morning.

90. See *infra* Section I.A.5; see also PEACE CORPS, MANUAL, *supra* note 64, at MS 284 § 4.0 (noting that that Volunteers serve “at the pleasure of the President” and can generally be fired at any time). Combined with the mandate that trainees and Volunteers adhere strictly to PCMO guidance, PEACE CORPS, MANUAL, *supra* note 64, at MS 262 § 5.1, and the code of conduct, *id.* at MS 204 §§ 4.3–4.4 (sharing guidance for “Volunteer [p]rofessionalism” and outlining appropriate enforcement), medical noncompliance constitutes violation of Peace Corps policy, *id.* at MS 284 § 4.1.2.

91. See, e.g., PEACE CORPS, PERU VOLUNTEER HANDBOOK 73 (2020); PEACE CORPS, ENSURING VOLUNTEERS’ HEALTH DURING & AFTER SERVICE 1 (2015), https://files.peacecorps.gov/multimedia/pdf/learn/benefits/health_progress_fact_sheet.pdf [<https://perma.cc/NS9M-82LZ>]. Volunteers may alternatively disclose their medical history to the CD, a similarly fraught proposition given the employer–employee relationship between CDs and Volunteers and the fact that CDs are administrators, not medical professionals.

92. See PEACE CORPS, BUILDING CAPACITY, BUILDING PEACE: THE PEACE CORPS UNDER THE OBAMA ADMINISTRATION, 2009–2017, at 8 (2017).

93. See, e.g., Tanya M. Marcum & Jacob Young, *Blowing the Whistle in the Digital Age: Are You Really Anonymous? The Perils and Pitfalls of Anonymity in Whistleblowing Law*, 17 DEPAUL BUS. & COM. L.J. 1, 4 (2019) (noting that “anonymity is desired to protect whistleblowers from retaliation”); @peacecorpshr, *HR Report #30*, INSTAGRAM (Aug. 18, 2019), <https://www.instagram.com/p/B1UuN1DBc3f/> (“I saw the post about the Quality Nurse and just wanted to share my experience with that and why it’s utterly useless . . . so I had a dental surgery that went terribly, including a lack of certainty about if the right procedure had been performed. The PCMO treated me like I was being ridiculous for asking about it. After that, I asked another staff member what I should do and he recommended the Quality Nurse [QN], so I emailed them. The next day, my PCMO pulled me aside into a private room to tell me that I didn’t understand how serious my accusations were and that the QN wasn’t someone to just mess with. She then told me that my report was like slapping her in the face and that she had told the QN that I didn’t know what I was talking about. A week later, the QN emailed me back asking if things had been resolved. I didn’t even answer because I would just get yelled at . . . This type of PCV treatment and gaslighting needs to change.” (ellipses in original)). Suspected retaliation can be reported to the Office of Inspector General (OIG) for investigation, but the OIG itself may appear risky to many Volunteers and trainees. See PEACE CORPS, MANUAL, *supra* note 64, at MS 861 § 5.1; see also *infra* note 161–64 and surrounding text (discussing concerns regarding confidentiality and Volunteers).

‘I am having a really hard time,’ the volunteer wrote to the doctor in an email a few hours later, again requesting support. She traveled alone to the airport.⁹⁴

This directly violates Peace Corps Manual Section 243, *Responding to Sexual Assault Procedures*, which mandates immediate provision of a Sexual Assault Response Liaison to survivors upon reporting.⁹⁵ Or take the case of an Africa-region Volunteer who was assaulted by a fellow Volunteer. When she reported to PCMO, she said “[t]hey shut me down and told me something like, ‘Yeah, we know about him, we’re working on it.’ He had been reported for sexual assault and abuse . . . FOUR TIMES before I reported him.”⁹⁶

Had these survivors, who were all likely already dealing with some degree of trauma, chosen to ask the Quality Improvement Unit to investigate PCMO’s inappropriate responses, they risked potentially antagonizing the healthcare providers on whom they were completely reliant for all medical care.⁹⁷ The alternative: say nothing and potentially allow the mistake to impact their health, safety, and legal options—and potentially those of their fellow Volunteers. This also presumes that the worker is aware of the violation. Volunteers and trainees do not in general have access to their medical records until after service, and then only upon submission of a formal request.⁹⁸ For instance, a Volunteer in the Inter-America and Pacific region said she

found out after I left country that . . . the stats [staff] presented about my rape were false, so I ended up filing a FOIA request to see my crime report. I learned that PCMO wrote that I had initially consented and later revoked consent, including explicit details of what I had ‘consented’ to. I don’t know where they got the details about me kissing and engaging in foreplay with my perpetrator. What I reported was that I passed out and when I woke up[,] he was inside me.⁹⁹

Thus, the control the agency maintains over its workers’ bodies and healthcare choices does not typically provide cognizable benefits to SGBV survivors, and can have a detrimental effect on their health, impede their seeking care, and result in inaccurate records.

94. Slack & Nadolny, *supra* note 2.

95. PEACE CORPS, MANUAL, *supra* note 64, at MS 243 §§ 1.5(i)(2), 2.3.

96. @peacecorpshr, *HR Report #56*, INSTAGRAM (July 27, 2020), <https://www.instagram.com/p/CDKXGAYhAWof>.

97. For more on Quality Improvement Unit’s care, see PEACE CORPS, MANUAL, *supra* note 64, at MS 127 § 5.3.

98. *Life After the Peace Corps*, PEACE CORPS, <https://www.peacecorps.gov/faqs/life-after-peace-corps/> [<https://perma.cc/WW5F-8EAE>] (last visited May 15, 2023).

99. @peacecorpshr, *HR Report #68*, INSTAGRAM (Jan. 24, 2021), <https://www.instagram.com/p/CKcBbt6B5nY/>.

3. Medical Evacuation

Medical evacuation, a statutorily provided method for Volunteers and trainees who experience sexual violence to seek treatment in the United States,¹⁰⁰ is rife with opportunities for discriminatory behavior, being both an opaque process and one that applies to a particularly vulnerable subpopulation of an already vulnerable group.¹⁰¹ Even during medical evacuation, the Peace Corps retains strict control over evacuees’ care: Volunteers and trainees may only consult preselected healthcare providers¹⁰² and may only seek care for health concerns approved by an International Health Coordinator on the Peace Corps’ staff.¹⁰³ Moreover, Volunteers and trainees who are medically evacuated must coordinate with the Post-Service Unit to requalify for service within forty-five days¹⁰⁴ by proving their medical fitness to a panel of Registered Nurses within the Peace Corps’ Office of Medical Services (OMS);¹⁰⁵ if they cannot do so, they are terminated. Thus, a survivor who is experiencing severe trauma symptoms (such as suicidal-ity or self-harm), but whose ultimate goal is to return to service, is caught in a double bind: failure to disclose the degree of the trauma, if discovered, qualifies as medical noncompliance and is grounds for termination. But disclosure of symptoms that would automatically disqualify an applicant, or that might benefit from additional care after forty-five days, could also result in termination. Given the low probability that the Peace Corps would find out about a lie of omission, evacuees may choose the first option and forgo needed care.

100. 22 U.S.C. § 2507b(c)(7).

101. See, e.g., Dryke, *supra* note 51 (“My counselor instructed me that in order to Return to Country (RTC), I needed to write and sign a letter of intent taking responsibility for my actions and sharing how I would keep myself safe in the future. I was also required to sign an agreement saying I would never consume any amount of alcohol again as a volunteer (I’d had one night of drinking in 10 months of service) or I would face immediate administrative separation. In the letter I wrote, I knew I was telling Peace Corps what it needed to hear in order to finish my remaining 13 months of service, but I’d also deeply internalized the messages. So much so that it has taken *years* for me to willingly disclose to others the circumstances of my rape.” (emphasis modified)).

102. See, e.g., OFF. OF HEALTH SERVS., PEACE CORPS, MEDEVAC GUIDE FOR HOME OF RECORD 5 (2016) (implying that Volunteers/Trainees can only consult certain providers). For an account of one evacuee’s experience with medical care during evacuation, see generally Dryke, *supra* note 51 (“Having my employer be responsible for my treatment didn’t allow me to process my experience and heal the way therapy is intended to. Instead it taught me to take responsibility for something that wasn’t mine to own, beat myself up for my ‘mistakes,’ and be guarded and fearful over every word I shared with my counselor, knowing everything I said could potentially be used to terminate my contract. She made it clear she was assessing everything, including the way I was sitting in my chair if I happened to be wearing a shorter dress.”).

103. For more on the role of the Internal Health Coordinator (IHC), see generally OFF. OF HEALTH SERVS., PEACE CORPS, *supra* note 102, at 3, 5.

104. *Id.* at 8.

105. For one Volunteer’s account of this process, see generally Saunders, *supra* note 68 (documenting the Peace Corps’ decision to send one Volunteer to a male psychiatrist against her social worker’s explicit recommendation; her social worker’s premature diagnosis of PTSD, counter to DSM-V diagnostic timelines; a Peace Corps staffer’s recommendation of surgical laser ablation, a form of brain surgery, as treatment; and lack of response from OMS staff on the reinstatement process.).

Additionally, though the Peace Corps provides evacuees with a dense, bureaucratic orientation email,¹⁰⁶ the agency withholds information¹⁰⁷ regarding at least two key parameters. First, OMS panelists are not required to abide by the recommendations of the evacuee's healthcare providers.¹⁰⁸ This means that OMS staff could fire a Volunteer who reports SGBV and seeks treatment for a resulting medical condition even if that Volunteer wants to return to service and their healthcare provider approves their return.¹⁰⁹ Second, OMS employees are permitted to consult with the Country Director (CD) and other in-country staff who are not medical providers as to whether those staff believe the Volunteer or trainee should return.¹¹⁰ Not only are these staff definitionally unqualified to give an opinion on whether a Volunteer is medically fit, the mere existence of this

106. See, e.g., Email from Emily Timmreck, Int'l Health Coordinator, Peace Corps, to author (Dec. 14, 2018, 11:15 AM) (on file with author).

107. See, e.g., Celeste Hicks, 'I Was Raped and My Counsellor Asked Me What I Had Been Wearing,' GUARDIAN (Mar. 31, 2016, 9:06 AM), <https://www.theguardian.com/global-development-professionals-network/2016/mar/31/i-was-raped-and-my-counsellor-asked-me-what-i-had-been-wearing> [<https://perma.cc/TTK4-DKHW>] ("Just a few days into her counselling sessions provided by Peace Corps, [rape survivor and Volunteer Danielle Dryke] began to realise that her own behaviour on the night of the attack was coming under the spotlight. . . . As the counselling progressed, Dryke says she realised there were certain rules. She was told that if she was still in counselling after 45 days her contract would be terminated, her emails to Peace Corps staff were read by her counsellor and discussed at the sessions, and she was reminded that the decision about whether she would return was not hers to make. 'I had been open and honest at the beginning, but then very quickly I began to think twice in case what I was saying might mean I couldn't go back,' says Dryke.").

108. OFF. OF HEALTH SERVS., PEACE CORPS, *supra* note 102 (noting that the OHS Medical Review Board will only "consider . . . recommendations [from medical care providers], as well as [the evacuee's] input, in making a determination about [the evacuee's] return to country").

109. For an example of how OMS staff treat non-evacuated Volunteers, see @peacecorpshr, *HR Report #28*, INSTAGRAM (Aug. 12, 2019), https://www.instagram.com/p/B1DL_7Nhh25/ ("I had been seeing a local, PC-approved therapist for months of my service. The therapist diagnosed me as depressed and we both agreed that I should go on anti-depressants. The next day I go in to talk to the PCMO and he also agreed that I should go on anti-depressants. The process for PC was to have a consult with someone from HQ to determine which medication to go on and what dosage. It took a couple days for us to set up a time for a phone call. After a very invasive conversation with the person from HQ, they suggested that I should get some bloodwork done as I might have a vitamin D deficiency, even though it was summer and the two medical professionals who had actually met me and knew my situation recommended that I should be on anti-depressants. Luckily my PCMO found a loophole and I was eventually able to start taking antidepressants – with no help from HQ.").

110. Compare OFF. OF HEALTH SERVS., *supra* note 102, at 8–9 (discussing "medical clearance/separation" process for Volunteers and Trainees), and PEACE CORPS, MANUAL, *supra* note 64, at MS 284 § 3.0 ("If a V/T has or develops a medical condition that Peace Corps cannot medically accommodate or resolve within forty-five (45) days or any medical hold extension period granted under MS 220 *Leave for Volunteers/Trainees*, the V/T will be medically separated. This decision is made by the Office of Medical Services (OMS) in consultation with the Peace Corps Medical Officer and, if needed, appropriate medical consultants."), with interview with Former Staffer, Off. of Victim Advoc., Peace Corps (on file with author) (name redacted due to privacy concerns), and PEACE CORPS, MANUAL, *supra* note 64, at MS 264 § 2.8(c)(6) ("In the case of victims of sexual assault, stalking and other serious crime, OVA is informed of any non-medical issues that might affect the return to service by an evacuated Volunteer."), and *id.* § 3.0 ("A Volunteer who is medically cleared for further service by OMS will return to post as soon as possible unless the Volunteer elects to resign or the CD has, pursuant to subsection 2.8 (3)(e), informed OHS of any non-medical issues that might affect the return to service by an evacuated Volunteer.").

unmentioned and invisible step permits staff to retaliate against evacuees without evacuees having any knowledge, ability to report suspected abuse of power to the Office of Inspector General (OIG), or method to appeal the decision. The medical evacuation process thus constitutes a series of traps through which survivors may lose their jobs simply for availing themselves of post-violence care by giving staff power and hidden opportunities to review their work.¹¹¹

4. Pay

The Peace Corps’ pay for Volunteers and trainees, though not overtly discriminatory, can interact with sex to disparately impact survivors of SGBV, who are disproportionately female. During service, Volunteers and trainees receive a monthly stipend equivalent to a few hundred U.S. dollars, depending on the cost of living in the country of service,¹¹² as well as a monthly deposit of about \$375 to an account that cannot be accessed until after service (the “readjustment allowance”), which typically amounts to about \$10,000 by the end of twenty-seven months.¹¹³ In total, the pay for Volunteers and trainees comes in well below federal minimum wage,¹¹⁴ exacerbating inequity in gendered areas.¹¹⁵ For example,

111. For an example of this playing out more overtly, see Saunders, *supra* note 68 (documenting one CD’s decision to deny one Volunteer’s reinstatement application, which she submitted outside of the medical process).

In June, it was brought to [the CD’s] attention that [Volunteer Saunders] posted on social media about ‘adverturnin’ to Algeria, including a screenshot of a map of [her] location. . . . Peace Corps Morocco policies and Peace Corps agency policies have zero tolerance or leniency for volunteers who choose to travel internationally without approval.

Id. However, Saunders had been medically separated in May and had advised the CD of her desire to be reinstated at that time, indicating “that the Peace Corps specifically went onto [her] private social media account, and actively looked for any reason not to let [her] come back.” *Id.*

112. Kallman, *supra* note 15, at 568 (noting that Volunteers “receive a stipend consistent with standards of living in their host communities”); Justin Tabor, *How Much Are Peace Corps Volunteers Paid?*, PEACE CORPS (Sept. 1, 2021), <https://www.peacecorps.gov/stories/how-much-are-peace-corps-volunteers-paid/> [<https://perma.cc/W3LZ-KJKG>].

113. See The Peace Corps Act, 22 U.S.C. § 2504(c) (“Volunteers shall be entitled to receive a readjustment allowance at a rate not less than \$125 for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States.”); *Allowance and Benefits*, PEACE CORPS, <https://perma.cc/RSF8-EVK5> (last visited Feb. 11, 2023); *FAQs*, PEACE CORPS, <https://www.peacecorps.gov/faqs/all/> [<https://perma.cc/L3PY-UBK7>] (last visited May 15, 2023) (noting that Volunteers have a “readjustment allowance” that is “accrued at the rate of \$375 per month and paid at the end of service”).

114. Though it is somewhat difficult to calculate Volunteer work hours, because the Peace Corps explicitly states that Volunteers are expected to be representatives of the United States in all aspects of their daily lives, the current minimum wage of \$7.25 per hour comes to around \$15,000 per year before tax. *Minimum Wage*, U.S. DEPT. LAB., <https://www.dol.gov/general/topic/wages/minimumwage> [<https://perma.cc/X6A5-XBGJ>] (last visited May 15, 2023); *Core Expectations for Peace Corps Volunteers*, PEACE CORPS, <https://www.peacecorps.gov/volunteer/is-peace-corps-right-for-me/peace-corps-volunteer/core-expectations-peace-corps-volunteers/> [<https://perma.cc/NV4L-TEUH>] (last visited May 15, 2023); see also Greg Iacurci, *The \$7.25 Minimum Wage Can’t Pay All the Bills in Any State*, CNBC (Mar. 2, 2021, 11:19 AM),

with the exception of posts phasing in plans to provide menstrual hygiene supplies,¹¹⁶ Volunteers and trainees who menstruate are expected to sacrifice space in their bag allowance¹¹⁷ to bring twenty-seven months of supplies, pay to have supplies shipped from the United States, or pay the in-country cost of hygiene supplies. Depending on the country, the latter two options can vary from moderately to extremely burdensome.¹¹⁸ At the same time, Volunteers and trainees are considered employees for the purposes of federal extensions to the Hyde Amendment,¹¹⁹ and most posts do not allow a pregnant Volunteer or trainee to continue serving.¹²⁰ This

doesnt-help-families-pay-the-bills-in-any-state.html [https://perma.cc/GM5J-PGLP] (noting the current minimum wage of \$7.25 hourly is “about \$15,000 a year before tax”). Combining the Readjustment Allowance pay with an estimated maximum stipend amount of \$500 monthly and treating the hours worked as a regular forty-hour week arrives at an annual income of \$10,500 at most for Volunteers.

115. See Jessica Wakeman, *Pink Tax: The Real Cost of Gender-Based Pricing*, HEALTHLINE (Aug. 6, 2020), <https://www.healthline.com/health/the-real-cost-of-pink-tax> [https://perma.cc/4N8R-9KMT]; see also Kallman, *supra* note 15, at 581–82 (adding a racial analysis to sex-based norms regarding grooming and personal appearance by quoting a Black woman who served in an Eastern European country as saying, “For me, I have to find somebody that really knows how to cut my hair . . . I have totally different needs for hair products, facial products, and everything else”).

116. See, e.g., Jonathan Pearson, *Full Funding of \$410.5 Million for Fiscal Year 2021. And Peace Corps Must Put Together a Plan to Provide Access to Menstrual Hygiene Products Wherever Volunteers are Serving.*, NAT’L PEACE CORPS ASS’N (Jan. 16, 2021), <https://www.peacecorpsconnect.org/articles/budget-victory> [https://perma.cc/H7YQ-VTJK].

117. For more on the baggage allowance policy, see PEACE CORPS, MANUAL, *supra* note 64, at MS 214 § 3.0.

118. See Press Release, Grace Meng, Vice Chair, House Appropriations Subcomm. on State and Foreign Operations, U.S. House of Reps., Meng Reintroduces Legislation to Ensure Menstrual Products to Peace Corps Volunteers on 60th Anniversary of Peace Corps (Mar. 1, 2021) (available at <https://meng.house.gov/media-center/press-releases/meng-reintroduces-legislation-to-ensure-menstrual-products-to-peace> [https://perma.cc/F4ZN-7BNN]).

119. Passed by Congress in 1976,

the Hyde Amendment barred the use of federal Medicaid funds for abortion [and restricted access for low-income people] except when the life of the woman would be endangered by carrying the pregnancy to term. . . . By the early 1980s, Congress had added restrictions similar to the Hyde Amendment to other federal programs on which an estimated 50 million people rely for their health care or insurance. In addition to low-income women on Medicaid, Native American women, federal employees and their dependents, Peace Corps volunteers, . . . and federal prisoners have all been denied abortion coverage in their health care.

Access Denied: Origins of the Hyde Amendment and Other Restrictions on Public Funding for Abortion, ACLU, <https://www.aclu.org/other/access-denied-origins-hyde-amendment-and-other-restrictions-public-funding-abortion> [https://perma.cc/BYE3-H7VQ] (last visited May 15, 2023). For discussions of restrictions on Volunteers seeking to access abortion care, see generally Eliza T. Murray, Note, *A Long Way from Home: Restrictions on Federal Funding of Abortions for Peace Corps Volunteers*, 33 B.C. J.L. & SOC. JUST. 385 (2013) and Angel M. Foster, Grady Arnott, Simone Parniak, Kathryn J. LaRoche & James Trussell, *No Exceptions: Documenting the Abortion Experiences of US Peace Corps Volunteers*, 105 AM. J. PUB. HEALTH 41 (2015).

120. PEACE CORPS, *supra* note 85 (“Given the circumstances under which Volunteers live and work in Peace Corps countries, it is rare that the Peace Corps’ medical standards for continued service during pregnancy can be met.”); see also Irin Carmon, *For Raped Peace Corps Volunteers, Little Choice*, SALON (Apr. 26, 2013, 3:35 PM), https://www.salon.com/2013/04/26/for_raped_peace_corps_volunteers_little_choice/ [https://perma.cc/GFB4-635H] (“Carol Marie Clark, who was a Peace Corps volunteer in Nepal in the mid-1980s, testified that after she was raped by the program director, the Peace Corps told her to ‘terminate my pregnancy or terminate my service with the Peace Corps.’ She flew to Honolulu and had an abortion, but the Peace Corps ‘provided no funding for the procedure.’”); *id.* (“As Mary Kate Shannon

means that a worker who becomes pregnant¹²¹ as a result of an unreported rape and wishes to continue service would need to qualify for medical evacuation, avoiding outright medical separation, in order to travel to the United States for an abortion or abortifacient. Upon arrival, the Volunteer or trainee would have to pay out of pocket from a sub-minimum wage budget for medical care at U.S. costs,¹²² then requalify for service in order to return from the evacuation.¹²³ Thus, though Volunteer and trainee pay during service may be facially neutral, these outcomes are not.¹²⁴

5. Firing

Termination has similarly discriminatory interactions with SGBV. Firings take place under five categories: (1) Close of Service (COS), the designation given to an ordinary completion of training and two years of work;¹²⁵ (2) Medical Separation (MS), for Volunteers and trainees who become injured or ill such that the problem cannot be resolved in-country or within the forty-five days allotted

waited to find out if she was pregnant after being raped for the second time as a Peace Corps volunteer in Peru, the healthcare coordinator told her her options were limited. ‘If I were pregnant, the Peace Corps could not pay for the abortion due to some kind of federal law,’ Shannon recalled.”)

121. *See, e.g.,* Rein, *supra* note 49 (“‘Apologies without action are useless,’ said Carol Marie Clark of North Carolina, who accepted a posting in Nepal shortly after graduating from Wake Forest University in 1984, only to be told by her local program director that female volunteers would have to have sex with him to receive their living expenses. Three months later, he raped her and got her pregnant, she testified.”).

122. Though the evacuee may be able to qualify the cost of an abortion as exigent circumstances and withdraw some or all of the costs from their readjustment allowance, doing so does not mitigate the aforementioned sex inequality. *See* PEACE CORPS, MANUAL, *supra* note 64, at MS 262 § 9.0.

123. *See supra* Section I.A.3.

124. Subsequent to Angel M. Foster, Grady Arnott, Simone Parniak, Kathryn J. LaRoche, and James Trussell’s publication, *supra* note 119, and unsuccessful activism surrounding the Peace Corps Equity Act of 2014, S. 2291, 113th Cong. (as referred to the Committee on Foreign Relations, May 6, 2014), an exception to abortion access in cases of rape, incest, and life endangerment was written into the Fiscal Year 2015 omnibus spending bill. *See, e.g.,* Press Release, Ctr. for Reprod. Rts., President Obama Signs Historic Funding Bill Granting Peace Corps Volunteers Long-Denied Abortion Coverage (Dec. 17, 2014) (available at <https://reproductiverights.org/president-obama-signs-historic-funding-bill-granting-peace-corps-volunteers-long-denied-abortion-coverage/> [<https://perma.cc/M58V-U9M2>]). That exception has been extended only irregularly into subsequent federal budgets. *See* Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. No. 113-235, §§ 506–07, 128 Stat. 2130, 2515; Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, §§ 506–07, 136 Stat. 49, 496; *see also* LUISA BLANCHFIELD, CONG. RSCH. SERV., R41360, ABORTION AND FAMILY PLANNING-RELATED PROVISIONS IN U.S. FOREIGN ASSISTANCE LAW AND POLICY 4 (2022) (“No restrictions exist on funding for the medical evacuation of Peace Corps volunteers who decide to have an abortion. Under existing policy, the Peace Corps covers the cost of evacuation to a location where ‘medically adequate facilities’ for obtaining an abortion are available and where abortions are legally permissible.”). After the Supreme Court’s recent decision in *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022), even these protections—which are the bare minimum—are under threat. *See, e.g.,* Tyler Arnold, *Senate Bill Would Expand Restrictions on Foreign Aid for Abortions*, CATH. NEWS AGENCY (Feb. 3, 2023, 12:15 PM), <https://www.catholicnewsagency.com/news/253545/senate-bill-would-expand-restrictions-on-foreign-aid-for-abortions> [<https://perma.cc/Z256-CMCK>] (discussing legislation to “establish a long-standing restriction on . . . funds to the Peace Corps to pay for abortions”).

125. PEACE CORPS, VOLUNTEER HANDBOOK, *supra* note 64 at 95, 108; @peacecorpshr, *HR Report #81*, INSTAGRAM (Mar. 1, 2021), <https://www.instagram.com/p/CL4683ZBfPP/>.

for a medical evacuation;¹²⁶ (3) Interrupted Service (IS), used to describe Volunteers and trainees separated due to circumstances beyond their control, such as war, natural disaster, or persistent stalking;¹²⁷ (4) Early Termination (ET), for Volunteers and trainees who decide to quit either of their own volition or because they will otherwise be fired;¹²⁸ and (5) Administrative Separation (AS), for Volunteers and trainees who are fired, usually due to violations of Peace Corps policy.¹²⁹ While each category has its own forms of disparate impact, this subsection will focus on designations three through five (IS, ET, AS), as MS and COS are discussed in the preceding subsections.

Any internal logic to the firing designations falls apart upon examination through a gendered lens. For example, a Volunteer given IS due to stalking will have that label added to their Description of Service,¹³⁰ a public file available via Freedom of Information Act Request.¹³¹ The Volunteer will also have to explain the IS label to potential future employers who request their file, such as the federal government broadly or the Peace Corps specifically, should the survivor wish to reinstate or return to service elsewhere.¹³² This degree of intrusiveness is inappropriate, irrelevant to the employment process, and potentially retraumatizing. The terminated Volunteer will also receive only the portion of the readjustment allowance earned up to that point,¹³³ though they may be able to access

126. See PEACE CORPS, MANUAL, *supra* note 64, at MS 284 § 3.0; PEACE CORPS, VOLUNTEER HANDBOOK, *supra* note 64, at 92. For examples of MS, see @peacecorpshr, *HR Report #74*, INSTAGRAM (Mar. 14, 2021), <https://www.instagram.com/p/CLKa6w-hBlu/>; @peacecorpshr, *HR Report #79*, INSTAGRAM (Feb. 24, 2021), <https://www.instagram.com/p/CLsNX0XBY4o/>; @peacecorpshr, *HR Report #69*, INSTAGRAM (Jan. 26, 2021), <https://www.instagram.com/p/CKhnOH2BcyP/>; and @peacecorpshr, *HR Report #67*, INSTAGRAM (Jan. 23, 2021), <https://www.instagram.com/p/CKZKgFtBGN/>.

127. See PEACE CORPS, MANUAL, *supra* note 64, at MS 284 § 5.0; PEACE CORPS, VOLUNTEER HANDBOOK, *supra* note 64, at 93.

128. PEACE CORPS, VOLUNTEER HANDBOOK, *supra* note 64, at 92. For examples of ET, see @peacecorpshr, *HR Report #85*, INSTAGRAM (Feb. 11, 2021), <https://www.instagram.com/p/CMarMVxhVM6/>; @peacecorpshr, *HR Report #79*, INSTAGRAM (Feb. 24, 2021), <https://www.instagram.com/p/CLsNX0XBY4o/>; @peacecorpshr, *HR Report #59*, INSTAGRAM (Aug. 20, 2020), <https://www.instagram.com/p/CEHrzlmh99u/>; @peacecorpshr, *HR Report #57*, INSTAGRAM (Aug. 14, 2020), <https://www.instagram.com/p/CD359q1Bj08/>; and @peacecorpshr, *HR Report #54*, INSTAGRAM (July 16, 2020), <https://www.instagram.com/p/CCtoXr8B841/>.

129. PEACE CORPS, MANUAL, *supra* note 64, at MS 204; PEACE CORPS, VOLUNTEER HANDBOOK, *supra* note 64, at 94. For an example of AS, see @peacecorpshr, *HR Report #69*, INSTAGRAM (Jan. 26, 2021), <https://www.instagram.com/p/CKhnOH2BcyP/>.

130. See PEACE CORPS, MANUAL, *supra* note 64, at MS 284 § 7.4.

131. See PEACE CORPS, MANUAL, *supra* note 64, at MS 285 § 3. For more about privacy and the Peace Corps, see *Privacy Program*, PEACE CORPS, <https://www.peacecorps.gov/about/privacy/> [<https://perma.cc/3TU7-YNBJ>] (last visited May 15, 2023). For more about FOIA and the Peace Corps, see *Freedom of Information Act*, PEACE CORPS, <https://www.peacecorps.gov/about/open-government/foia/> [<https://perma.cc/E7QL-CLZC>] (last visited May 15, 2023).

132. PEACE CORPS, MANUAL, *supra* note 64, at MS 282 § 4.1.

133. See *Allowances and Benefits*, PEACE CORPS, <https://perma.cc/ANC2-UGAS> (last visited Mar. 31, 2023).

other benefits, such as eligibility for Coverdell Fellowships¹³⁴ and Non-Competitive Eligibility (NCE), if they completed twelve months’ work.¹³⁵ A Volunteer medically separated due to trauma stemming from rape will similarly have a MS label on their public file, a privacy violation that invites hiring discrimination; will receive only a fraction of the readjustment allowance; and, even if they completed twelve months’ work, will only have access to NCE out of the remaining benefits.¹³⁶

A Volunteer or trainee managing incessant sexual harassment and unable to obtain a medical separation from a PCMO, perhaps due to lack of understanding of trauma or local or personal beliefs regarding mental health,¹³⁷ may be administratively separated if they are unable to do their job, or may simply quit for their mental health and physical well-being. Regardless, that former Peace Corps worker will have an AS (Administration Separation) or ET (Early Termination) designation on their public file, will only receive the readjustment allowance earned to that point, and will not have access to any of the other benefits.¹³⁸ Meanwhile, a Volunteer or trainee accused of sexual assault will be statutorily given the opportunity to ET prior to AS;¹³⁹ if the accused chooses to quit mid-investigation or as an alternative to AS, they may reapply to the Peace Corps—even to the same country—and return to service.¹⁴⁰ The agency thus magnifies the harm done to Volunteers and trainees who experience SGBV during service

134. This program covers some tuition at a variety of post-graduate programs for successful applicants. *Paul D. Coverdell Fellows Program*, PEACE CORPS, <https://www.peacecorps.gov/volunteer/university-programs/coverdell-fellows/> [<https://perma.cc/2Z9E-S28T>] (last visited May 15, 2023).

135. NCE is a special hiring status in federal job applications. PEACE CORPS, MANUAL, *supra* note 64, at MS 285 § 5.0.

136. *Id.* § 5.3.

137. See, e.g., Kallman, *supra* note 15, at 586–87 (“Women intentionally hid [sexual] behaviors from doctors that might be seen as [culturally] non-conforming, resulting in at least one case of lasting and consequential harm. The Peace Corps was responsive to the problem as it arose – and yet it took a tragedy to bring the stakes of the gendered nature of healthcare into relief. If it does not acknowledge and prioritize the ways in which the various dimensions of their identities combine and matter for their health and safety, the Peace Corps cannot wholly support its women volunteers.”).

138. For a broad discussion of benefits, see generally PEACE CORPS, MANUAL, *supra* note 64, at MS 285 §§ 5.0, 7.0. For a proposed solution, see @PEACECORPSHR, *supra* note 10, at § 5-7 (“The Peace Corps may use only three terms externally for separations: (A) Close of Service (‘COS’), an ordinary designation for Volunteers who complete their full term of service, and for PCV/Ts who quit at any time; (B) Administrative Separation (‘AS’), a dishonorable discharge or firing designation; (C) Interrupted Service (‘IS’), or honorable discharge due to circumstances beyond the PCV/T’s control (including in-country crises, natural disasters, and medical problems).”).

139. See PEACE CORPS, MANUAL, *supra* note 64, at MS 284 §§ 2.3, 4.1.2, 6.0.

140. After findings that the Office of Volunteer Recruitment lacked adequate processes to screen Volunteers who had previously resigned or been Administratively Separated due to misconduct, see OFF. OF INSPECTOR GEN., PEACE CORPS, IG-14-04-A, FINAL AUDIT REPORT: PEACE CORPS APPLICANT SCREENING PROCESS (2014), and that a Volunteer who had admitted to violating Peace Corps’ sexual assault policy was hired to work at D.C. headquarters, then-director of the Peace Corps Carrie Hessler-Radelet stated that “we are putting in place systems, mechanisms that will make sure that that does not happen again in the future.” See CBS NEWS, *supra* note 82. The OIG report also claims all of its recommendations were satisfied (or ongoing) by fall of 2014. However, there is no concrete information as to exactly what changes the Peace Corps made.

while doing relatively little to punish Volunteers and trainees who perpetrate that violence, or to protect other Volunteers and trainees from perpetrators.¹⁴¹

End-of-service resource distribution is also gendered as a result of the disproportionate impact of SGBV on women. While administrative staff are paid full federal salaries,¹⁴²

Volunteers receive a monthly, in-country living allowance in local currency. To mitigate the socioeconomic disparity between Volunteer and community—a disparity that sets the Volunteer apart and could present cultural hurdles—this allowance is sufficient to live at the level of those in the Volunteer’s community. . . . Peace Corps Volunteers are expected to live at a level that is comparable with that of their host country counterparts.¹⁴³

Besides the self-reflectively problematic nature of the federal government enforcing poverty for the sake of poverty on some but not all Peace Corps workers, this structure ensures that Volunteers cannot save any substantial amount of money from month to month. With end-of-service benefits accruing as time passes, Volunteers, particularly those from low socioeconomic backgrounds, are incentivized to remain in the Peace Corps for as long as possible, irrespective of the SGBV or other harms and dangers they may face as a result.¹⁴⁴ Some Volunteers must weigh the risk they perceive in their daily lives with the readjustment allowance they need to afford the transition back to the United States, or the possibility of obtaining a particular type of firing designation and additional employment or education opportunities.¹⁴⁵ Because SGBV and the resulting pitfalls in reporting and seeking care from the Peace Corps disproportionately

141. Kallman, *supra* note 15, at 568–69 (“In other words, the organization was oriented around the experiences and beliefs of those who had White male privilege; the intersections of gender and race were (and are) often concealed or ignored within the organization in ways that excluded women of all races, and women of color particularly.”).

142. U.S. hires working as staff abroad make anywhere from \$57,000 to \$172,000 annually, with the Peace Corps also covering housing, furnishings, utilities, healthcare, security, leave, and shipping costs for up to 14,000 pounds of personal belongings. PEACE CORPS, WORKING OVERSEAS GUIDE: A GUIDE FOR STAFF AND THEIR FAMILIES 8–9 (2010), https://files.peacecorps.gov/multimedia/pdf/employment/working_overseas_guide.pdf [<https://perma.cc/FGA3-ZEZR>]; see also Nadolny & Penzenstadler, *Your Tax Dollars*, *supra* note 43 (discussing how “U.S. taxpayers paid [John] Peterson, a Peace Corps employee, more than \$258,000” for a year and a half after his “chaotic driving spree that left a mother of three dead on the streets” of Tanzania).

143. *Living Conditions*, PEACE CORPS, <https://www.peacecorps.gov/volunteer/living-conditions/> [<https://perma.cc/DSX4-B95L>] (last visited May 15, 2023).

144. @peacecorpshr, *Peace Corps Moving Forward*, INSTAGRAM (Sept. 28, 2021), <https://www.instagram.com/p/CUYEPOMJEQO/>. For an example of a Volunteer who stayed in the Peace Corps despite months of harassment by local men who subsequently gang raped her, see Rein, *supra* note 49.

145. See, e.g., @peacecorpshr, *HR Report #48*, INSTAGRAM (Feb. 29, 2020), <https://www.instagram.com/p/B9KaLiFh-Ix/> (“I mostly wanted to share how a lot of people consider leaving PC daily, but it’s like some taboo thing we can never say out loud because we fear PC taking action against us. It’s even worse when Admin is the one making us question our service in the first place by treating us like children for pointing out the double standard to which we’re held.”).

impact female-identified Volunteers and trainees,¹⁴⁶ women are less likely to complete a full term of service and therefore less able to access the full readjustment allowance and attendant benefits at the end of their service, in addition to having fewer resources throughout service.

B. THE PEACE CORPS FAILS TO FOLLOW EXISTING POLICIES AND LAWS

Through a series of town hall events from October through November of 2021, Peace Corps community members created a detailed Platform of Demands drawing on two years of data collected by Instagram account @PeaceCorpsHR¹⁴⁷ and highlighting areas for improvement in the Peace Corps’ approach to SGBV.¹⁴⁸ The Platform notes that it at times may be redundant “[w]here the Peace Corps has failed to implement policies and laws already in place,” providing a unique on-the-ground perspective into where the agency’s stated goals do not align with reality.¹⁴⁹ These instances fall predominantly into three categories within the Platform: first, standardizing Volunteer-centered processes (Demand Five);¹⁵⁰ second, measurable, public, and universal systems of accountability (Demand Six);¹⁵¹ and third, adequate training and resources for Peace Corps workers and affiliates (Demand Seven),¹⁵² all of which pertain to broad cultural concerns that contribute to incidents of SGBV, underreporting, or both.

Demand Five targets a broad array of processes for failing to center Volunteer voices while providing a series of post hoc fixes and patches.¹⁵³ For instance, one enumerated point charges the Peace Corps with working with the OIG to determine which of the 144 “outstanding recommendations remain pertinent and to

146. See, e.g., PEACE CORPS, 2019 REPORTED CRIME VICTIMIZATIONS INCIDENCE RATES 8 (2019).

147. For the Instagram account page, see @peacecorpshr, INSTAGRAM, <https://www.instagram.com/peacecorpshr/> (last visited May 15, 2023).

148. @PEACECORPSHR, *supra* note 10, at 1 (“A cross-section of SGBV survivors and other activists and community members created [the Platform of Demands] through a series of town hall events in the fall of 2021. The demands also draw on complaints published by the Instagram account @PeaceCorpsHR, the four recent *USA Today* stories, data from the Peace Corps’ Annual Reports of Crimes Against Volunteers, reports by the Office of Inspector General (‘OIG’) for the Peace Corps, reports by the Sexual Assault Advisory Council (‘SAAC’), and the Peace Corps’ responses to FOIA requests. The platform incorporates as many voices and perspectives as possible . . .”).

149. *Id.*

150. *Id.* at 2, § 5.

151. *Id.* at 2, § 6.

152. *Id.* at 2, § 7.

153. *Id.* at § 5. Demand 5-2 addresses the workload, in particular, of staff who handle SGBV incident reports. *Id.* For a concrete example of a negligent Safety and Security Manager, see @peacecorpshr, *HR Report #35*, INSTAGRAM (Aug. 31, 2019), <https://www.instagram.com/p/B11UNfB1Ww/> (“I honestly think the SSM [Safety and Security Managers] could care less about me. I have a man in my neighborhood who comes into my yard and will stare into my windows. I told SSM and they said, ‘shut your windows.’ A few months later someone tried breaking in to [sic] my home while I was there. SSM didn’t call me back for hours and only said, ‘lock your doors.’ A few weeks ago, a man was shot in front of my host family’s house. SSM said, ‘murders only happen to victims.’ Those are just a few instances.”). See also Rein, *supra* note 5 (“Most victims are in their 20s, the age many volunteers sign up. Most are women. Victims describe inconsistent responses, with some Peace Corps staff members doing the best they can to help but others making little effort.”); Rarey, *supra* note 44 (discussing the failures of the Peace Corps medical staff who treated Volunteer Nicholas Castle immediately prior to his death).

resolve those as quickly as possible”;¹⁵⁴ 132 of these recommendations had not been addressed by the Peace Corps prior to the publication of the first *USA Today* article in 2021, with the oldest—“Recommendation 18: OIG recommended that the agency systematically collect and analyze data to determine whether Volunteer medical accommodations pose an undue hardship on the operation of the Peace Corps or any component thereof”¹⁵⁵—dating back to 2010.¹⁵⁶ Given the OIG’s mandate to “fully and currently inform the Peace Corps Director and the Congress about problems and deficiencies relating to the administration of agency programs and operations,”¹⁵⁷ noncompliance with these recommendations on the part of the Peace Corps definitionally constitutes failure to follow existing laws and policies,¹⁵⁸ marking an overt and evidently deliberate lack of attention that likely contributes to the increasing incidence rate of sexual- and gender-based violence.

Demand Six functions as a similar catchall category for a diverse array of changes.¹⁵⁹ Notably, these include prohibiting “any staff who receive any medical or safety and security incident information from disseminating all such information outside the chain of mandatory reporting without the informed, time-limited, written consent of the PCV/T [Peace Corps Volunteer or Trainee] who reported the incident,” with built-in accountability mechanisms through mandated reporting and employment consequences. This demand directly parallels the Peace Corps’ policy to “respect Volunteer privacy and . . . not, without the Volunteer’s consent, disclose the Volunteer’s identity or share the details of the incident with anyone who does not have a specific need to know.”¹⁶⁰ It also dovetails with legal standards in the Kate Puzey Act, which mandates for both stalking and sexual assault that the Peace Corps “protect[.] . . . the confidentiality of volunteers who report.”¹⁶¹ Indeed, the specific remedy recommended by the Demands, “punishment for breach of confidentiality with disciplinary action up to and including termination,”¹⁶² is almost word-for-word identical to that of the Kate Puzey Act.¹⁶³

154. @PEACECORPSHR, *supra* note 10, at § 5-2(C)(I).

155. See *supra* Section I.A.2 for full analysis.

156. OFF. OF INSPECTOR GEN., PEACE CORPS, SEMIANNUAL REPORT TO CONGRESS: APRIL 1, 2021 TO SEPTEMBER 30, 2021, at 46 (2021).

157. OFF. OF INSPECTOR GEN., PEACE CORPS, ANNUAL PLAN: FISCAL YEAR 2023, at 2 (2022).

158. See Memorandum from Shalanda D. Young, Acting Dir., Off. of Mgmt. & Budget, Exec. Off. of President & Jason S. Miller, Deputy Dir. for Mgmt., Off. of Mgmt. & Budget, Exec. Off. of President, to the Heads of Exec. Dep’ts & Agencies (Dec. 3, 2021) (available at <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-04-IG-Cooperation.pdf> [<https://perma.cc/FJ5M-S453>]) (“Under the terms of The Inspector General Act of 1978 (the IG Act), as amended, the agency and its employees have a duty to cooperate with OIG.”); see generally Inspector General Act of 1978, Pub. L. 95-452, 92 Stat. 1101.

159. @PEACECORPSHR, *supra* note 10, at 9.

160. PEACE CORPS, MANUAL, *supra* note 64, at MS 243 § 1.2.

161. Kate Puzey Peace Corps Volunteer Protection Act of 2011, ch. 22, sec. 2, § 8F–8G, 125 Stat. 736, 742–43 (codified as 22 U.S.C. 2507(f)–(g)).

162. @PEACECORPSHR, *supra* note 10, at § 6.

163. Compare *id.*, with Kate Puzey Peace Corps Volunteer Protection Act of 2011 § 8F–8G, 125 Stat. at 742–43.

That Peace Corps Volunteers feel the need to demand protections that ostensibly already exist indicates that the Peace Corps has failed to successfully implement either law or policy.¹⁶⁴

Finally, Demand Seven states that the Peace Corps “must provide adequate training and resources to invitees, trainees, Volunteers, headquarters staff, post staff, contractors, host families, counterparts, and all other persons with whom the agency maintains a relationship.”¹⁶⁵ This includes dozens of provisions that already exist in law, policy, or both. For instance, Demand 7-2 calls on the Peace Corps to provide “invitees with written information in clear and easily comprehensible language¹⁶⁶ regarding . . . [s]ex- and gender-based violence[,] . . . [i]n-country social and cultural norms around SGBV[,] . . . [t]he rights PCV/Ts cede during service,” and procedures for filing complaints with various offices,¹⁶⁷

164. For concrete examples of this perceived failure, see @peacecorpshr, *HR Report #1*, INSTAGRAM (May 6, 2019), <https://www.instagram.com/p/BxHBpGTlr5Y/> (“[A m]ale PCMO during PST started a session on febrile diseases with the details of how a PCV who was still serving got raped (out with people she didn’t know well, drinking, in a bad part of town) to illustrate the importance of ‘preventative measures.’ As if sexual assault can be prevented. We reported him to the CD, who gave him a slap on the wrist.”); @peacecorpshr, *HR Report #2*, INSTAGRAM (May 6, 2019), <https://www.instagram.com/p/BxIh4NblmbX/> (“During PST, I reported that while out drinking with friends in the party district, I stepped outside for a quiet minute alone and was sexually assaulted by a pair of men walking by. A few months later, in a newsletter the CD emailed our entire post, S&S [Safety & Security] included the following note: ‘We developed strategies to reduce the incidents that affect volunteers the most. . . . The third point we found is the consumption of alcohol and the isolation of victims. Remember that it is very important that we take care of each other, if possible always stay in a group. The use of alcohol is at your own discretion, but if you are going to consume alcohol, do so with someone you trust and will take care of you and won’t leave you alone.’”); @peacecorpshr, *HR Report #24*, INSTAGRAM (July 20, 2019), <https://www.instagram.com/p/BOIFufQBHT1/> (“I reported a rape in country. The handbook explicitly states that staff ‘will not, without your consent, disclose your identity OR share the details of the incident with anyone who does not have a legitimate need to know.’ Recently, the designated team of people automatically informed about sexual assaults and the CD hosted mandatory meetings by region with all PCVs. They shared the most intimate details of each rape from that year - how many of us were drinking alcohol, how many were at a large group gathering, how many involved ‘initial consent that was later revoked,’ and how many lost consciousness. Still trying to figure out the ‘legitimate need to know’ of ALL staff and PCVs to this information.”); and @peacecorpshr, *HR Report #27*, INSTAGRAM (Aug. 10, 2019), https://www.instagram.com/p/BO_Yzx4Bx_T/ (“Our Country Director tries to access our private health information. He uses his position of power to bully PCMOs into sharing our information, especially if someone has to come to the capital for treatment.”).

165. @PEACECORPSHR, *supra* note 10, at 2, 10–12.

166. *Id.* at § 7-2. Compare *id.*, with Kate Puzey Peace Corps Volunteer Protection Act of 2011, § 8A(e), 125 Stat. at 736, 736–37 (“CONTACT INFORMATION.—The President shall provide each applicant, before the applicant enrolls as a volunteer, with . . . clear, written guidelines regarding whom to contact, including the direct telephone number for the designated Sexual Assault Response Liaison (SARL) and the Office of Victim Advocacy and what steps to take in the event of a sexual assault or other crime . . .”).

167. Compare @PEACECORPSHR, *supra* note 10, at § 7-2, with Kate Puzey Peace Corps Volunteer Protection Act of 2011 § 8A(c), 125 Stat. at 736 (“SUBSEQUENT TRAINING.—Once a volunteer has arrived in his or her country of service, the President shall provide the volunteer with training tailored to the country of service that includes cultural training relating to gender relations, risk-reduction strategies, treatment available in such country (including sexual assault forensic exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), MedEvac procedures, and information regarding a victim’s right to pursue legal action against a perpetrator.”).

while Demand 7-1(B)(1) mandates providing “all agency staff with training on how to work from a trauma-informed perspective.”¹⁶⁸ Again, the perceived need to reiterate these procedures is indicative of an inhospitable culture toward reporting. Peace Corps’ evident failure to provide adequate training on in-country gender relations is of particular concern because it can expose Volunteers and trainees to preventable incidents of SGBV.¹⁶⁹

Though the Demands constitute fourteen total pages, these three examples skim the surface as demonstrative points of friction identified by RPCVs. Both the qualities of these problem vectors—already written into law, policy, or both—and their sheer abundance function to highlight symbolic and real power differentials between Volunteers and staff. Symbolically, the values and structures are replicated across Volunteer–staff relations; what the Peace Corps devalues, Volunteers are also forced to devalue because the strictures the agency imposes on their lives are inescapable. This is reinforced by the actual power differential, whereby Volunteers can be terminated for any violation of the rules, no matter how technical the infraction, while the Peace Corps can systemically neglect to adequately follow or implement its own regulations and policies with impunity.¹⁷⁰

168. @PEACECORPSHR, *supra* note 10, at § 7-1(B)(1). Compare *id.*, with Kate Puzey Peace Corps Volunteer Protection Act of 2011 § 8B(d), 125. Stat at 739 (“TRAINING.—The President shall train all staff outside the United States regarding the sexual assault policy developed under subsection (a) [of the Kate Puzey Peace Corps Volunteer Protection Act of 2011].”), and PEACE CORPS, MANUAL, *supra* note 64, at MS 243 § 1.2 (“Peace Corps Commitments to Sexual Assault Victims Peace Corps is committed to providing a compassionate and supportive response to all Volunteers who have been sexually assaulted. To that end, Peace Corps makes the following commitment to our Volunteers who are victims of sexual assault. Peace Corps staff worldwide will demonstrate this commitment to Volunteers through our words and actions. (a) Compassion – We will treat Volunteers with dignity and respect. No one deserves to be a victim of a sexual assault. (b) Safety – We will take appropriate steps to provide for the Volunteer’s ongoing safety. (c) Support – We will provide Volunteers with the support they need to help their recovery. (d) Legal – We will help Volunteers understand the relevant legal processes and their legal options. (e) Open Communication – We will keep Volunteers informed of the progress of their case, should they choose to pursue prosecution. (f) Continuation of Service – We will work closely with Volunteers to make decisions regarding their safety and continued service. (g) Privacy – We will respect Volunteer privacy and will not, without the Volunteer’s consent, disclose the Volunteer’s identity or share the details of the incident with anyone who does not have a specific need to know.” (emphasis omitted)).

169. See @peacecorpshr, *HR Report #50*, INSTAGRAM (Apr. 9, 2020), <https://www.instagram.com/p/B-xNDOEBGJo/> (“My new host dad started making comments about my appearance. . . . Things escalated quickly, with my host dad trying to come into my bedroom and into the bathroom when I was using it. I broke down in front of my PCMO because I had lost 50 pounds in three months and was losing my hair. PCMO told SSM, who was very concerned and brought me to meet with my CD. The CD told me to sleep with a suitcase in front of my door and be more firm with my host dad, but I had to go back. Things got worse. I would be out of the house for 13+ hours a day and spend nights with my sitemate just to not be home. . . . My site had only female PCVs. All of us were exposed to and experienced violence in our homes. Staff did nothing. I came home with severe PTSD, an eating disorder, and a drinking problem. When I shared my story with an RPCV who had served 10 years before me, they just went ‘wow, so nothing has changed.’ I know Peace Corps does good, but it routinely fails at protecting its Volunteers.”).

170. See Fatjona Mejдини, *Peace Corps Under Pressure Over Albania Sex Scandal*, BALKAN INSIGHT (Jan. 20, 2016, 9:59 AM), <https://balkaninsight.com/2016/01/20/peace-corps-under-pressure-over-albania-sex-scandal-01-19-2016/> [<https://perma.cc/EJ8M-7TVW>] (“After the Peace Corps allowed an easy exit for a former country director in Albania who was accused of sexual harassment - and fired the

C. THE PEACE CORPS FOSTERS A TOXIC WORKPLACE CULTURE

Despite the agency’s ostensible focus on the work they do, Peace Corps Volunteers and trainees are treated by the Peace Corps as expendable labor beyond what would be culturally or legally permissible in domestic U.S. workplaces. For instance, as non-employees, Volunteers cannot unionize;¹⁷¹ instead, each post has a Volunteer Advisory Committee (VAC) composed of a set number of members of each training group, sometimes elected by their peers, sometimes appointed by the CD.¹⁷² As suggested by the name, VAC recommendations are advisory.¹⁷³ The CD is not obligated to follow any VAC suggestions, nor to provide any explanation for ignoring them.¹⁷⁴ Thus, even if a trainee or Volunteer feels confident enough to complain to VAC representatives regarding problems in, for instance, the sexual violence training program, and the VAC representatives pass those complaints along to the CD with targeted ideas for improvement, the CD can simply choose to disregard them.¹⁷⁵ Similarly, PCMOs are not

whistleblower who reported the claims - staff in Albania are campaigning for it to change its internal policies.”); see also Saunders, *supra* note 68 (chronicling the story of a Volunteer whose service was cut short after she experienced sexual violence, was “prematurely diagnosed with chronic PTSD,” and technically traveled to another country when staff often traveled the same route yet failed to inform her of the dangers of crossing the border); Jamillah Bowman Williams, *Maximizing #MeToo: Intersectionality & the Movement*, 62 B.C. L. REV. 1797, 1814–15 & n.82 (2021) (discussing why volunteers and unpaid workers may be especially subject to experiencing harassment and discrimination).

171. *Unions 101*, U.S. DEP’T OF LAB., <https://www.dol.gov/general/workcenter/unions-101> [https://perma.cc/92ZK-G7LT] (last visited May 17, 2023) (noting that non-managerial private sector and government employees may form and join labor unions).

172. For discussions of VACs, see Memorandum from Kathy A. Buller, Inspector Gen., Peace Corps, to Carrie Hessler-Radelet, Dir., Peace Corps, and Daljit Bains, Chief Compliance Off., Peace Corps 11 n.9 (May 21, 2014) (available at https://www.oversight.gov/sites/default/files/oig-reports/PCIG_Ecuador_Final_Evaluation_Report.pdf [https://perma.cc/2WXW-EE6C]) (“The VAC is a group of elected Volunteer representatives that discuss issues with Peace Corps staff and help develop solutions.”) and Memorandum from Kathy A. Buller, Inspector Gen., Peace Corps, to Carrie Hessler-Radelet, Dir., Peace Corps, and Daljit Bains, Chief Compliance Off., Peace Corps 14 (June 13, 2014) (available at https://files.peacecorps.gov/multimedia/pdf/policies/PCIG_Mexico_Final_Evaluation_Report.pdf [https://perma.cc/FT99-B99H]) (“[T]he post’s Volunteer VAC is a high functioning and effective forum for discussing Volunteer issues in a professional and productive manner with staff.”).

173. Organizational researcher Meghan Elizabeth Kallman highlights the struggle that the Peace Corps may face when listening to such groups. Kallman, *supra* note 17, at 80 (“Similarly, in a representative study of community-based NGOs, scholars found that these social organizations face ‘a profound and airtight gestalt of inwardness, planning, and professionalism,’ such as defining themselves in terms of their funders’ agendas. These organizations feared that deliberation – which may lead to disagreement and/ or dissent within the organization’s boundaries – would jeopardize their legitimacy vis-à-vis other stakeholders.” (internal citations omitted)).

174. See *Enhancing the Peace Corps Experience: Hearing on S. 732, The Peace Corps Volunteer Empowerment Act, Before the Subcomm. on W. Hemisphere, Peace Corps & Narcotics Affs. of the Sen. Comm. on Foreign Rels.*, 110th Cong. 10 (2007) (statement of Ronald A. Tschetter, Dir., Peace Corps) (clarifying that VAC recommendations have not always been followed).

175. See, e.g., Karen Moldovan, *A Long Road!: Karen Moldovan’s Board Editorial*, FIRST RESPONSE ACTION BLOG (Nov. 16, 2011, 7:05 PM), <http://firstresponseaction.blogspot.com/2011/11/long-road-karen-moldovans-board.html> [https://perma.cc/3UGZ-TEGQ] (“Because I had worked in sexual violence response and prevention prior to joining the Peace Corps, I entered my service with a strong foundation in this work. I therefore realized the huge deficiencies in sexual assault prevention training,

required to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA);¹⁷⁶ thus, a PCMO may choose to share details of how a Volunteer was raped without that Volunteer's consent in order to teach trainees how to avoid sexual assault, an inherently victim-blaming concept.¹⁷⁷ Indeed, when a Volunteer or trainee reports an incident of sexual violence, that report will mandatorily be communicated to a set of staff beyond the PCMO, such as Safety and Security Officers, Program Managers, and the CD, depending on whether the reporter chooses a "closed" or "open" report under the Kate Puzey Act, none of whom are constrained by HIPAA.¹⁷⁸ Though sharing these stories without consent would constitute a clear violation of Volunteers' and trainees' privacy, a lack of repercussions essentially permits staff to disregard the rules.¹⁷⁹ This generalized institutional callousness surrounding SGBV¹⁸⁰ may stem from the Peace Corps' own anxieties about the relative youth and inexperience of the

education, and formalized response protocol. Although I petitioned both in-country staff as well as Peace Corps Headquarters for improved practice around responding to sexual assault, change and a commitment for reform was virtually non-existent."); Kallman, *supra* note 15, at 570 ("Similarly, Peace Corps training historically addressed women's issues as something separate, in a program where men were considered the default. Contemporary training features women more and emphasizes physical safety for female volunteers (including a controversial video on how to 'avoid rape,' eventually removed from circulation because of critiques of victim-blaming), but not the way in which race, gender, and nationality may combine in their experiences, failing to see them as interlinked. Both race and gender are downplayed within the organization – as is any interaction of the two." (internal citation omitted)). For more materials relating to subpar responses from the Peace Corps, see generally Peace Corps Ecuador, *2018 Reported Incidents Review*, SAFETY & SEC. BULL., Jan. 2019 (on file with author).

176. See PEACE CORPS, MANUAL, *supra* note 64, at MS 269 § 3.0 ("Because the Peace Corps provides and/or pays for medical services to its Volunteers (as set forth in MS 262 *Peace Corps Medical Services Program*), the Peace Corps is considered by the U.S. Department of Health and Human Services to be a covered entity under HIPAA. However, only the Peace Corps' activities in the United States are subject to HIPAA and its implementing regulations. HIPAA does not apply to the Peace Corps' medical activities overseas.").

177. See, e.g., @peacecorpshr, *HR Report #1*, *supra* note 164.

178. See PEACE CORPS, MANUAL, *supra* note 64, at MS 243 § 1.0 ("Under no circumstances may a Restricted Report be converted into a Standard Report without the consent of the Volunteer unless OGC, in conjunction with the DSS, has determined in accordance with these Procedures that an exception applies."); PEACE CORPS, NOTICE OF PRIVACY PRACTICES (2005), <https://files.peacecorps.gov/multimedia/pdf/policies/hipaa.pdf> [<https://perma.cc/BQ2E-UP9H>] (clarifying that medical information may be disclosed); PEACE CORPS, HIPAA FOR APPLICANTS—FREQUENTLY ASKED QUESTIONS (2005), <https://files.peacecorps.gov/multimedia/pdf/policies/hipaafaq.pdf> [<https://perma.cc/PN3R-6RZH>] (discussing ways in which Volunteers' medical information may be shared even with HIPAA); see also Rein, *supra* note 49 ("The country director in Bangladesh told other volunteers about her rape and blamed Smochek for being out alone after 5 p.m., [the Volunteer] said.").

179. See PEACE CORPS, MANUAL, *supra* note 64, at MS 243 § 1.0; @peacecorpshr, *HR Report #81*, INSTAGRAM (Mar. 1, 2021), <https://www.instagram.com/p/CL4683ZBfPP/>; @peacecorpshr, *HR Report #68*, INSTAGRAM (Jan. 24, 2021), <https://www.instagram.com/p/CKcBbt6B5nY/>; @peacecorpshr, *HR Report #24*, INSTAGRAM (July 20, 2019), <https://www.instagram.com/p/BOIFufQBHT1/>.

180. See Kallman, *supra* note 15, at 582 ("One of the most important ways in which women's experience is both (a) rendered invisible by the power structure within the Peace Corps, and (b) qualitatively different from that of many men, concerns sexual assault and violence. For White women, the combination of race and nationality brings them a freedom from responding to certain cultural expectations around gender, as we have seen. While this 'male privilege' may afford them access to different spaces, it can also put them in danger because their racial privilege does not protect them against potential or attempted assault and indeed may make them especially vulnerable to it.").

Volunteers and trainees, for which the agency is often criticized.¹⁸¹ Shifting the burden of those anxieties to the unprotected workers,¹⁸² however, fosters a culture of fear, toxic individuality, and failure.

Volunteers and trainees likely tolerate the Peace Corps’ mistreatment for two main reasons. First, over 240,000 individuals have served as Volunteers since the agency’s inception,¹⁸³ constituting a sizeable alumni network of potential professional contacts, many in the field of international development.¹⁸⁴ Those interested in continuing in this field could perceive denigrating the Peace Corps as career-ending. Because the bulk of the agency’s workers are young people at or near the beginning of their careers,¹⁸⁵ Volunteers and trainees are unlikely to have any frame of reference for their experiences, leaving them unable to challenge the Peace Corps’ foundational norm-setting for international development work. The norms the agency perpetuates are thus dually damaging: they not only prepare interested workers to enter the field of international development with the perception that violations of bodily autonomy are normal and to be expected,¹⁸⁶

181. See MEISLER, *supra* note 16, at 136–47.

182. Kallman, *supra* note 17, at 90 (“The Peace Corps gives volunteers a complicated development project that they have been socialized to believe they can solve; they find themselves unable to do so. Second, Peace Corps is idealistically driven work, but volunteers are only provided with ‘small-picture’, managerial and technical tools with which to do that work. PCVs then attempt to make sense of these paradoxes without organizational guidance or facilitation. It is important to note that these dynamics of disillusionment are likely exacerbated by the nature of the ‘average’ PCV – a self-selected group of people who typically have college degrees and are dedicated, motivated and success-oriented.”).

183. *Fast Facts*, PEACE CORPS, <https://www.peacecorps.gov/news/fast-facts/> [<https://perma.cc/LQ6K-NYSM>] (last visited May 17, 2023).

184. See Kallman, *supra* note 15, at 568 (“Roughly 50 percent of USAID staff are former Peace Corps volunteers, and the organization is highly visible within the development apparatus primarily through diffusion of its alumni.”). The National Peace Corps Association functions as an alumni network; it has a Memorandum of Understanding with the Peace Corps, regularly hosts events with Peace Corps staff, and engages in lobbying activities on behalf of Volunteers and the agency. See Press Release, Peace Corps, Peace Corps Renews Partnership with National Peace Corps Association in Austin, Texas (June 24, 2019) (available at <https://www.peacecorps.gov/news/library/peace-corps-renews-partnership-national-peace-corps-association-austin-texas/> [<https://perma.cc/D7GF-NZL5>]) (discussing the Memorandum of Understanding); *Stay Connected*, PEACE CORPS, <https://www.peacecorps.gov/returned-volunteers/stay-connected/> [<https://perma.cc/NLW8-C2ZC>] (last visited May 17, 2023) (inviting alumni to remain connected to the Peace Corps by getting involved with the National Peace Corps Association); *Advocacy*, NAT’L PEACE CORPS ASS’N, <https://advocacy.peacecorpsconnect.org/advocacy-home> [<https://perma.cc/7G9J-9KHF>] (last visited May 17, 2023) (discussing advocacy and lobbying efforts). In that sense, it can be viewed as the national mouthpiece of the returned Volunteer community. See *Welcome to NPCA – the Hub of the Peace Corps Community*, NAT’L PEACE CORPS ASS’N, <https://www.peacecorpsconnect.org/cpages/our-mission-and-model> [<https://perma.cc/49ER-W7NE>] (last visited May 17, 2023).

185. See Kallman, *supra* note 15, at 568 (noting that “[a]ll volunteers are American citizens; they are usually in their early twenties, [and] recent college graduates”); see also OFF. OF STRATEGIC INFO., RSCH., & PLAN., PEACE CORPS, ANNUAL VOLUNTEER SURVEY RESULTS: GLOBAL TABULAR REPORT 50 (2019), https://files.peacecorps.gov/documents/open-government/AVS_2019_-_Global_Tabular_Report_-_01_14_2019.pdf [<https://perma.cc/GN2B-AJC9>] (finding eighty-four percent of Volunteers to be age twenty-eight or younger).

186. See, e.g., Rein, *supra* note 5 (“A 21-year-old Peace Corps volunteer was sexually assaulted on her way to buy lunch in her village overseas. The local police did nothing; the local Peace Corps staff told her that the 2009 crime ‘probably wasn’t a big deal.’ . . . [A] 27-year-old volunteer was warned by

but also discourage passionately idealistic and altruistic youth from their preferred career path¹⁸⁷—and indeed from prosocial careers altogether.¹⁸⁸ In order to change problematic norms, the Peace Corps must, at a minimum, understand the problem and imagine better possibilities, both of which are precluded by the agency’s culture.

The Peace Corps’ reputation—and Volunteer and trainee perceptions of that reputation—intersect and interact with the second reason these workers fail to report the crimes they experience, which is also more immediate to those in active service: the Peace Corps is part of a system of aid workers that perceives the field of international development as a “Wild West” in which sexual violence is to be expected and tolerated, leading to both silencing and erasure.¹⁸⁹ The agency was

her host family that they were arranging for her to be kidnapped into marriage before the father entered her room one night in 2004 and raped her. After the Peace Corps security officer repeatedly told her ‘not to worry,’ she did not report the rape but quit. ‘I had lost all faith in the Peace Corps to listen to me,’ she wrote.”); *see also* Jared Metzker, Opinion, *The Peace Corps Kids Are All Right*, L.A. TIMES (Jan. 16, 2012, 3:00 AM), <https://www.latimes.com/opinion/la-xpm-2012-jan-16-la-oe-metzker-peace-corps-in-central-america-20120116-story.html> (featuring Volunteer arguing that “[a]ssaults, sexual and otherwise, are probably more likely to happen to us here in Guatemala than in the U.S. (depending on where in the States we hail from), but that’s sort of part of the deal. There is no Peace Corps draft, after all; we sign up and agree to come, fully cognizant of the risks. Furthermore, if we decide once we get here that it’s more than we’d bargained for, we can leave at any time. Unlike in the case of the military, there is no such thing as a dishonorable discharge from the Peace Corps.”).

187. *See* KALLMAN, *supra* note 62, at 2 (“The Peace Corps is a fascinating irony. Ostensibly established to capitalize on idealism, the organization has, in practice, ended up discouraging it.”).

188. *Id.* at 13, 18 (finding that “[a]mong workers, idealism and intrinsic motivation are positively linked to sharing knowledge, taking risks, professional creativity, and willingness to work in prosocial fields, of which international development is clearly one” and that participation in the Peace Corps is linked to the death of idealism).

189. Kallman, *supra* note 15, at 569 (“[The Peace Corps’] proponents framed it as ‘the moral equivalent of war’; it was synergistic with the technostrategic and highly masculine narratives that have circumscribed national security discourses for generations. . . . In addition . . . , the Peace Corps is profoundly shaped by a long history of . . . an ‘imperial brotherhood,’ of which [President John F.] Kennedy and [his brother-in-law Sargent] Shriver were full-fledged members – a collection of institutions, including all-male, mostly White prep schools, Ivy League universities, and exclusive men’s clubs, which fashioned members of the foreign policy establishment. The commitment to aggressive masculinity that these men shared created a Peace Corps grounded in masculine heroism and pioneer spirit.” (internal citations omitted)); *see also* @peacecorpshr, *HR Report #8*, INSTAGRAM (May 11, 2019), <https://www.instagram.com/p/BxV3cXBIVqg/> (“Midway through PST we had progress assessments, each PCT meeting with 1 or 2 staff, they said. When I walked into mine, there were 4 staff. I thought I was being fired. Nope - they were putting me on an action plan for my ‘tone of voice’ when I talked about sexual assault. They told me to be ‘nicer’ or ‘not talk about it at all,’ including for the 2 remaining DC-mandated sexual assault sessions. We’d had the first session the day before, and another woman and I had brought up that we wouldn’t feel comfortable reporting sexual assault, because one of the staff members who are always told about SA [sexual assault] reports had made victim-blaming comments in a training session. A man in our cohort interjected that he ‘knew this would turn into a witch hunt’ and the staff member ‘had a right to face his accuser,’ so I said, ‘Bring him in. Bring him here right now.’ That was the extent of my talking about sexual assault, which staff called ‘hostile.’ I stood up to an older white guy trying to silence survivors with valid concerns about a process he’d never have to go through, and staff rewarded him by doing exactly what he wanted: silencing me.”).

designed by and for predominantly cisgender, heterosexual white men,¹⁹⁰ resulting in challenges such as SGBV, which more commonly affects women and others with marginalized identities, being relegated to “fringe” status.¹⁹¹ The Peace Corps’ fundamental premise—that typically young, inexperienced U.S. citizens are in a position to help foreign countries meet their need for trained workers¹⁹²—invites gendered¹⁹³ white savior narratives¹⁹⁴ under which Volunteers are heroes, not victims.¹⁹⁵ It is difficult for Volunteers to articulate their own experiences during service, much less the systemic nature of SGBV, when these factors are compounded with the impacts of eleven weeks of intensive

190. Kallman, *supra* note 15, at 567 (“Colonial systems also create social and political categories, through which they define race, gender, and nationality, and inscribe them into the institutions that continue to shape people’s lives. This is visible in the institutions of IR [international relations] and international development that form the Peace Corps’ lineage: they are both highly masculine and highly white. The Peace Corps was founded as an aggressively cheerful arm of the US foreign policy apparatus during the Cold War. It was powerfully gendered and racialized – built on the experiences and assumptions of those who had gender and racial privilege, and incorporating those experiences and assumptions into its design – and has retained those imprints in its organizational character.” (internal citations omitted)).

191. *See id.* (“However, because the Peace Corps does not challenge conventional race and gender privileges, it lacks the organizational orientation and capacity to effectively address safety and assault among its women volunteers, and elides responsibility for its participation in systems of oppression.”).

192. *See About, PEACE CORPS*, <https://www.peacecorps.gov/about/> [<https://perma.cc/X54M-BZGS>] (last visited May 17, 2023) (outlining the mission of the Peace Corps); Kallman, *supra* note 17, at 77 (“Peace Corps Volunteers are a very specific demographic – they are primarily young, white and well-educated. Nearly two-thirds of all volunteers in the 1960s, at the Peace Corps’ inception, were men. 63% were men in the 1970s. But the gender trend has since reversed; 62% of all volunteers were women in the 1990s and two-thirds of volunteers are women in 2013. Among the volunteers in [the author’s] survey, 74% had obtained a bachelor’s degree prior to joining, 18% had obtained a master’s degree, and 6% had a graduate or professional degree. What’s more, these volunteers come from privileged and educated families – within [the author’s] sample of RPCVs spanning a 54-year period, 63% of them had fathers with at least bachelor’s degrees, and 57% of them had mothers with at least a bachelor’s degree. Peace Corps Volunteers are still largely white; over the past fifty years, minority volunteers increased only from a 9% representation in the 1960s, to a 14% representation in the 2000s. As of September 2010 (the most recent data available) 17% of currently serving volunteers were people of minority backgrounds.”).

193. *See* Kallman, *supra* note 15, at 568–69; *see also id.* at 572 (“[W]omen volunteers are simultaneously part of a colonial institution and shaped by colonial norms. They are also frequently carriers of Western feminism, which is sometimes critiqued for being itself colonial. These legacies of colonialism remain within the development apparatus and international relations – including in the Peace Corps – that continue to influence inequality.” (internal citations omitted)).

194. WILLIAM N. ESKRIDGE JR., NAN D. HUNTER & COURTNEY G. JOSLIN, *SEXUALITY, GENDER, AND THE LAW* 501 (4th ed. 2018) (“[T]he United States firmly denies that it presides over an empire, but its limited embrace of some sexual minorities and some women enables the country to represent itself as the tolerant, liberal alternative to Muslim radicalism and its open embrace of misogyny and homophobia. Gender exceptionalism, for example, operates as a ‘missionary discourse’ to rescue Muslim women from Islamic misogyny, even as its adherents are pessimistic that such women, as a group, can be saved.”).

195. Kallman, *supra* note 15, at 568–69 (“The agency’s connection to US colonialism is bound up with its own gendered and racialized institutional history: the type of national security discourse from which it originated was part of an elite world of White masculine politics. In other words, the organization was oriented around the experiences and beliefs of those who had White male privilege; the intersections of gender and race were (and are) often concealed or ignored within the organization in ways that excluded women of all races, and women of color particularly.” (internal citations omitted)).

(though nonetheless inadequate) training,¹⁹⁶ the psychological and material investments of moving to a different country, and the disordered manner in which the agency both discourages and requires Volunteer and trainee reliance on the Peace Corps.¹⁹⁷ For instance, if a Volunteer or trainee reports a sexual assault, the Peace Corps is required by law to provide a number of different supports and services, such as accompaniment by a Sexual Assault Response Liaison (SARL), guidance on filing a local police report, and medical care;¹⁹⁸ however, that assistance may itself be harmful due to cultural differences.¹⁹⁹ Moreover, the Peace Corps also typically administers a mandatory mental health assessment, which

196. *See id.* at 570 (“Peace Corps training places a great deal of emphasis on intercultural exchange, and while there are occasional addenda that address probable challenges that volunteers of color will face, the program is primarily oriented towards the experiences of White middle-class volunteers. This has consistently been the case; in the 1960s and 1970s, training curricula almost never addressed how host communities would receive Americans of color. Trainers warned Black volunteers against expecting an unambiguous welcome, but questions of race were ignored, even as race in America gained visibility.”); *id.* at 587 (“Women volunteers almost universally claim to feel ill-prepared to face the gender- and race-based challenges that they regularly meet in their host communities. Because the Peace Corps does not challenge or engage conventional race and gender patterns, it lacks both the orientation and the capacity to address women’s safety and assault.” (internal citation omitted)).

197.

Highlighting sexual harms does not just limit the legal system’s response; it can also lead victims to underreport nonsexual acts of sex- and gender-based hostility. Indeed, without vigorous public education, many people will not even recognize that such acts are “sexual harassment” forbidden by law, policy, or social norms. For this reason, unlike with overtly sexual harassment, women and other victims may also be more likely to internalize and blame themselves for nonsexual harassment, rather than attributing it to sexism and gender bias for which they are not responsible.

Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, 128 YALE L.J. F. 22, 43 (2018) (footnote omitted) (showing that victims of sexual harassment were more likely than those of workplace aggression to depersonalize their mistreatment and attribute blame to the perpetrator’s sexism, even though workplace aggression may also have been motivated by gender hostility); *id.* at 44 n.101 (noting report that “outcomes for workplace aggression were stronger in magnitude than those for sexual harassment on six of eight outcome variables” (citing M. Sandy Hershcovis & Julian Barling, *Comparing Victim Attributions and Outcomes for Workplace Aggression and Sexual Harassment*, 95 J. APPLIED PSYCHOL. 874, 883 (2010))); Deborah Lee, *Gendered Workplace Bullying in the Restructured UK Civil Service*, 31 PERS. REV. 205, 206, 225–26 (2002) (arguing that acts of aggression often understood to be instances of bullying or general hostility are actually gender-based because they are rooted in gender-based expectations for proper workplace behavior). Possible additional points of comparison for future exploration include Greek life hazing, military induction, and cult indoctrination.

198. Kate Puzey Peace Corps Volunteer Protection Act of 2011, Pub. L. No 112-57, 125 Stat. 736, 738–39.

199. *See, e.g.*, Yaara Zaslow, *I Was Raped in Burkina Faso and My Rapist’s Trial Will Take 10 Years*, JEZEBEL (Apr. 20, 2015, 12:10 PM), <https://jezebel.com/i-was-raped-in-burkina-faso-and-my-rapists-trial-will-t-1691991861> [<https://perma.cc/5N2S-9FSG>] (“Before we left, [the police] had one last question: ‘Why did you not report [being raped while serving in the Peace Corps] to the police [in Burkina Faso]? Why did you only tell the Peace Corps?’ My safety and security officer was with me, and he could have told them that it was policy, but he didn’t. Instead, he said, ‘She is ashamed. She is deeply ashamed and that is why she didn’t tell anyone but the Peace Corps.’ I told him, in English, that I wasn’t ashamed. That I could only feel ashamed of something I’d done wrong. He told me they wouldn’t see the difference.”).

may result in the reporter being forcibly put on medical leave or terminated.²⁰⁰ This can withdraw choice from victims of a crime that fundamentally violates the right to choose, deterring those who wish to continue service from reporting.²⁰¹

Relatedly, a Volunteer or trainee who has reason to suspect that the Peace Corps itself has mishandled or misclassified a sexual assault report may report that to the OIG; however, the OIG also investigates illicit Volunteer and trainee activity,²⁰² likely creating a chilling effect.²⁰³ Furthermore, assuming that staff correctly classify and report an incident to Peace Corps headquarters,²⁰⁴ the way in which the Peace Corps aggregates crime data obfuscates all forms of SGBV besides rape, sexual assault, and stalking. For instance, sexually motivated crimes of plainly discernable nonsexual categories, such as vandalism using sexually charged language or a break-in where the intruder disturbed only the Volunteer’s underwear drawer, are not categorized as sexual crimes.²⁰⁵ Additionally,

200. PEACE CORPS, MANUAL, *supra* note 64, at MS 243 § 2.1.1 (listing “determin[ing] the need for urgent mental health assessment and/or intervention” as part of the immediate response to receiving a report of sexual assault); PEACE CORPS, TECHNICAL GUIDELINE 545: SEXUAL ASSAULT: MENTAL HEALTH ASSESSMENT AND CARE 3–7 (Sept. 1, 2013), <https://www.scribd.com/document/326857628/Peace-Corps-TG-545-Sexual-Assault-PTSD-Assessment-Mental-Health-Assessment-and-Care> [<https://perma.cc/C4SE-4GY4>]; see *supra* Section I.A.3.

201. See, e.g., Zaslow, *supra* note 199 (paraphrasing other Peace Corps Volunteers who were raped during service: “Oh no I couldn’t report, couldn’t possibly report, I’ve done too much work and am too tied to my community and couldn’t leave but what if? What if I get replaced by a female volunteer? What if this happens to her, too? What if I find out and I want to die because it would be my fault and what do I do . . . ?” (emphasis omitted)).

202. See, e.g., Joe Davidson, *Report Warns of ‘Serious Risk’ to Peace Corps from Drug Use by Volunteers*, WASH. POST (Aug. 24, 2018, 7:00 AM), <https://www.washingtonpost.com/politics/2018/08/24/report-warns-serious-risk-peace-corps-drug-use-by-volunteers/> (documenting the firing of dozens of Volunteers for illicit drug use).

203. See, e.g., Carmon, *supra* note 120 (“Dr. Karestan Koenen testified that after being raped as a volunteer in Niger, she experienced a series of inadequate or harmful responses, including the staff member at the inspector general’s office who told her, ‘I am so sick of you girls going over there, drinking, dancing and flirting, and then, if a guy comes on to you, you say you have been raped when you have led them on.’”); see Williams, *supra* note 170, at 1804 (“Although . . . studies and statistics give some indication of the high rates at which women of color experience harassment, many existing statistics underestimate the true figures due to consistent underreporting. Women of all races underreport because they fear the threat of retaliation, the possibility that no one will believe them, and the stigma of victimization.” (citing Nicole Buonocore Porter, *Ending Harassment by Starting with Retaliation*, 71 STAN. L. REV. ONLINE 49, 51 (2018); Rosette et al., *supra* note 13, at 13–14)); Porter, *supra*, at 50 (arguing that a large part of the problem with fighting harassment in the workplace is the retaliation women fear).

204. @peacecorpshr, *HR Report #68*, INSTAGRAM (Jan. 24, 2021), <https://www.instagram.com/p/CKcBbt6B5nY/>; @peacecorpshr, *HR Report #4*, INSTAGRAM (May. 8, 2019), <https://www.instagram.com/p/BxOH3bbljre/>.

205. See OFF. OF SAFETY & SEC., PEACE CORPS, 2020 ANNUAL REPORT OF CRIMES AGAINST VOLUNTEERS 19–20 (2021) (“The Peace Corps classifies crimes using a hierarchy-based system similar to that used by the Federal Bureau of Investigation . . . however, there are notable differences. For example, attempts are counted as crimes in a number of Peace Corps’ definitions, and the category ‘non-aggravated sexual assault’ includes elements (e.g., kissing and groping) that most jurisdictions in the United States would assign to a different classification. Adoption of these expanded definitions could be expected to result in rates for some crime categories being higher than they might otherwise be. If a particular incident includes elements that overlap two or more crime categories, the incident is assigned to only one – the higher category. For example, if someone breaks into a house (burglary) damaging a

gendered issues as varied as voyeurism, sexual harassment, and sexual threats are pooled under the umbrella category “unwanted attention,”²⁰⁶ further concealing the extent of the problem.

II. SOLUTIONS AND POLICY PROPOSALS

It is evident that the Peace Corps has a problem—a crisis of SGBV, particularly against female-identified Volunteers and trainees—and that the true extent of that problem is likely understated by official reporting due to the agency’s problematic policies, its failure to follow those policies, and its toxic workplace culture. Less obvious is how best to resolve the problem, short of abolishing the Peace Corps altogether. Two primary solutions have emerged from activism efforts by RPCVs, particularly the Instagram account @PeaceCorpsHR, which has published eighty-nine individual accounts of agency misbehavior in order “to reform Peace Corps” and organized a series of town hall events on the subject between 2020 and 2021.²⁰⁷ First, the agency could reclassify Volunteers and trainees as full employees, equivalent to the status of current administrative staff, granting them the ordinary workplace protections of other federal employees. Because this route would make the Peace Corps vulnerable to lawsuits,²⁰⁸ it has the highest potential for accountability and the lowest likelihood of implementation. Second, the Peace Corps could execute a net of incremental reforms proposed by Volunteer survivors, an approach which would have the added benefit of building trust between the agency and its vulnerable workers by demonstrating staff receptivity towards Volunteers’ concerns and solutions. Though more moderate, this option also appears unlikely due to bureaucratic intractability.²⁰⁹ Ultimately, problem and solution pose a causality dilemma: without repercussions for its treatment of Volunteers and trainees, the agency has no motivation for drastic reform—but without drastic reform, there will be no repercussions.

A. PEACE CORPS VOLUNTEERS AS FEDERAL EMPLOYEES

Ordinarily, United States workers harmed on the job have multiple legal avenues for remedy and redress, with built-in protections from retaliation.²¹⁰ This is

door in the process (vandalism) and steals items (theft), the incident is classified as burglary. The Security Incident Questionnaire and Security Incident Management System use the same crime definitions. However, homicide and stalking are not captured by the Security Incident Questionnaire.”)

206. OFF. OF SAFETY & SEC., PEACE CORPS, *supra* note 57, at 3.

207. *See generally* @peacecorpshr, INSTAGRAM, <https://www.instagram.com/peacecorpshr/> (last visited May 17, 2023).

208. *See, e.g., infra* note 210.

209. KALLMAN, *supra* note 62, at 106 (“A country director mused on these questions from a comfortable couch in his office where we had been conversing: ‘How do you be an altruistic organization when you’re part of this bureaucracy of the federal government? . . . The government has the money, but the nonprofits are the ones that are nimble . . . and so, with Peace Corps, we have a very modest budget for a government agency, but we have a lot of federal regulations. I like to say we’re running a lemonade stand with federal regulations.’” (internal citation omitted)).

210. *See, e.g.,* Fair Labor Standards Act of 1938, Pub. L. No. 75-718, § 10, 52 Stat. 1060, 1065–66 (providing that anyone aggrieved by an order of the administrator on hours, wages, or other conditions and practices of employment may obtain circuit court review of the order); Federal Tort Claims Act,

not the case for Peace Corps Volunteers and trainees. Though these workers are central to the agency, which exists for the sole purpose of facilitating their service, the Peace Corps classifies them as employees in only some contexts,²¹¹ and as volunteers or contractors in most other contexts, increasing the potential for discriminatory or otherwise abusive behavior.²¹² Moreover, U.S. courts typically lack jurisdiction for tort, contract, or other legal claims because Volunteers and trainees work overseas.²¹³ This status—or lack thereof—enables the permissive

Pub. L. No. 79-601, § 410, 60 Stat. 842, 843–44 (1946) (providing for money damage claims against the United States for “personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment”); Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2(a)(1), 2000e-4 (making it unlawful to discriminate against any individual with respect to conditions of employment based on “race, color, religion, sex, or national origin,” as enforced by the Equal Employment Opportunity Commission); *see also* U.S. Equal Emp. Opportunity Comm’n, Policy Guidance on Current Issues of Sexual Harassment (1990) (describing appropriate remedial actions employers must take for known hostile or offensive work environments). This is not to say that U.S. employment law sufficiently protects workers from discrimination, provides adequate redress, or otherwise constitutes a functional system—only that there exists within the legal code a set of possibilities not open to Peace Corps Volunteers and trainees by virtue of their position.

211. For instance, these workers are already classified as employees for the purposes of filing a Federal Employees’ Compensation Act (FECA) claim. *See* Off. of Workers’ Comp. Programs, *Peace Corps Volunteers: Federal Employees’ Compensation Program*, DEP’T OF LAB., <https://www.dol.gov/agencies/owcp/FECA/regs/compliance/InformationforPeaceCorpsVolunteers> [<https://perma.cc/5BGQ-2A7T>] (last visited May 17, 2023). This is a status that has previously been the subject of complaints and activism by returned Volunteers, but which the Department of Labor now appears to have internally resolved. *See, e.g., Ex-Volunteers Accuse Peace Corps of Health Care Neglect*, CBS NEWS (Dec. 14, 2015, 7:43 AM), <https://www.cbsnews.com/news/peace-corps-report-lack-of-health-care-medical-reimbursement-for-returning-volunteers/> [<https://perma.cc/7RG3-5BSX>]; Lisa Rein, *Returned Peace Corps Volunteers Face Long Waits for Health Care, Report Says*, WASH. POST, Dec. 24, 2015, at A15 (“Watchdog groups have estimated that 10 to 30 percent of Peace Corps volunteers develop health issues from their service overseas - whether physical or mental - starting during their service or after. When they get home after serving a little over two years on average, they’re responsible for filing a worker’s compensation claim with the Labor Department, with the burden of proof of a service-connected illness on the volunteer. Returned volunteers complain of a lack of payments from the Labor Department, a lack of access to specialists who will cover them for treatment, limited coverage and limited follow-up by the Peace Corps when they need it. The report cites almost nonexistent coverage for mental-health issues.”); *Health Justice for Peace Corps Volunteers: Supporting Those Who Served*, HEALTH JUST. FOR PEACE CORPS VOLUNTEERS, <https://www.healthjusticeforpeacecorpsvolunteers.org/cpages/home> [<https://perma.cc/L4R8-W2SL>] (last visited May 17, 2023).

212. *See* Tara Kpere-Daibo, *Employment Law—Antidiscrimination—Unpaid and Unprotected: Protecting Our Nation’s Volunteers Through Title VII*, 32 U. ARK. LITTLE ROCK L. REV. 135, 136 (2009) (noting that “[c]ourts have not applied the statutory protections that exist for paid employees to unpaid workers, and legislatures have failed to increase protections for volunteers as well”); *see also id.* at 149–50 (“Arguably, volunteers and unpaid workers are *more* susceptible to harassment and discrimination *because of* their status as ‘nonemployees.’ One possible reason is that supervisors and coworkers may see volunteers as a temporary workforce—more susceptible to harassment because they will soon leave. Similarly, particularly in intern situations, there is often a large imbalance of power between the worker and the supervisor. This position of power is often abused. . . . [I]n addition to these factors, with the current status of the laws, unscrupulous employers or supervisors may exploit the fact that the law provides no recourse for unpaid workers; they are ineligible for damages, reinstatement, or even injunctive relief under the current employment laws. These results are contrary to public policy.” (internal citations omitted)).

213. *See, e.g., Thompson v. Peace Corps*, 159 F. Supp. 3d 56, 62 (D.D.C. 2016).

culture under which the Peace Corps treats Volunteers and trainees as expendable labor. Designating Peace Corps Volunteers and trainees as federal employees would harmonize these statuses and provide four unique forms of legal protection currently unavailable, making the agency accountable to its workers and providing avenues for recourse to those injured on the job.

First, rather than making unenforceable recommendations through the VACs, Volunteers and trainees could unionize, strengthening their voices and providing solidarity across training groups and across posts. At present, at least five different unions represent hundreds of thousands of federal employees; some of the government entities that most closely parallel the Peace Corps, including independent executive agencies like the Environmental Protection Agency and employers with workers in the field internationally, such as the Foreign Service and the United States Agency for International Development (USAID), have unions.²¹⁴ While members of the armed forces, with the exception of the National Guard, may not unionize, the congressional rationale for this exclusion was that “[u]nionization of the armed forces would be incompatible with the military chain of command, would undermine the role, authority, and position of the commander, and would impair the morale and readiness of the armed forces.”²¹⁵ In contrast, Peace Corps Volunteers are expected to work highly autonomously.²¹⁶ Thus, there is strong support for the availability of unions to Peace Corps workers

214. *About AFSA*, AM. FOREIGN SERV. ASS'N, <https://afsa.org/about-afsa> [<https://perma.cc/7WY8-9552>] (last visited May 17, 2023) (discussing the American Foreign Service Association's representation of, for example, United States Foreign Service and USAID employees); *Our Agencies*, NAT'L EMP'S. TREASURY UNION, <https://www.nteu.org/who-we-are/our-agencies> [<https://perma.cc/7WN4-AHUL>] (last visited May 17, 2023) (noting the National Treasury Employees Union's representation of, for example, federal employees in the Environmental Protection Agency, the Department of Defense, and the Department of Homeland Security); *Our Union*, SEIU NAT'L ASS'N GOV'T EMP'S., <http://www.nage.org/union/who-we-represent> [<https://perma.cc/7WN4-AHUL>] (last visited May 17, 2023) (discussing the National Association of Government Employees' representation of employees from, for example, the Department of Defense, Environmental Protection Agency, and Department of Homeland Security); *NFFE History*, NAT'L FED'N FED. EMP'S., <https://nffe.org/about/nffe-history/> [<https://perma.cc/73V6-NRHV>] (last visited May 17, 2023) (discussing the National Federation of Federal Employees' representation of, for example, employees from the Department of Defense and Department of Veterans Affairs); *Agencies*, AM. FED. GOV'T EMP'S., <https://www.afge.org/about-us/agencies/> [<https://perma.cc/X79Z-CY43>] (last visited May 17, 2023) (discussing representation of, for example, employees from the Department of Homeland Security, Department of Commerce, Department of Defense, Department of Labor, Department of State, and U.S. International Trade Commission).

215. Pub. L. No. 95-610, § 1(a)(5), 92 Stat. 3085, 3085 (1978) (amending 10 U.S.C. § 976); see Eric White, *National Guard Members Can Unionize If and When They're Called Up by Governors*, FED. NEWS NETWORK (May 19, 2022, 11:18 AM), <https://federalnewsnetwork.com/federal-newscast/2022/05/national-guard-members-can-unionize-if-and-when-theyre-called-up-by-governors/> [<https://perma.cc/5YKW-6L5L>].

216. See *FAQs*, PEACE CORPS, <https://www.peacecorps.gov/faqs/about-service/> [<https://perma.cc/LBK8-QXSK>] (last visited May 17, 2023) (“Depending on your site placement, you may be the only Peace Corps Volunteer in your community, which will help foster integration and language learning. In some situations, you may have at least one other Volunteer living in the same community, but that other Volunteer will not share the same job sector. Typically, there are opportunities to see nearby Volunteers on occasional weekends, holidays, and for training sessions and collaborative projects.”).

as federal employees. Though labor unions are relatively weak in the United States,²¹⁷ where they exist, they tend to improve safety conditions for all workers—especially those who are already marginalized, such as women and people of color.²¹⁸ The availability of a union, therefore, would be a step up from the status quo and a means for Volunteers and trainees to campaign for their own solutions to the problems they face.

Second, recognizing Peace Corps Volunteers and trainees as employees would grant them enhanced whistleblower protections.²¹⁹ As the National Whistleblower Center has noted, “[a]t present, there are no effective whistleblower protections for Peace Corps volunteers or employees.”²²⁰ Consistent with other contributing factors to the agency’s toxic workplace culture, this has meant that at least some Volunteers have faced repercussions for reporting sexual violence. For instance, one Volunteer reported being removed from their country of service for helping a child to report being raped;²²¹ another Volunteer who served in the Europe, Mediterranean, & Asia region reported,

When I was a PCV, our Country Director resigned under investigation for assaulting a young HCN [host country national] woman. . . . OIG then fired the PCV whistleblower and the American staff member who was friends with said Volunteer. The CD had been fairly lax in enforcing leave and out of site stuff. The PCV whistleblower and another Volunteer didn’t fill out a leave form to put on a conference. The second PCV only received a slap on the wrist and instruction in correctly completing the form.²²²

Classifying Volunteers and trainees as federal employees would grant them explicit anti-retaliation and anti-discrimination protections, putting them on even footing with staff; it would also “allow Peace Corps volunteers and employees to

217. See generally Matteo Gatti & Chrystin Ondersma, *Stakeholder Syndrome: Does Stakeholderism Derail Effective Protections for Weaker Constituencies?*, 100 N.C. L. REV. 167, 183–88 (2021); Matthew Dimick, *Revitalizing Union Democracy: Labor Law, Bureaucracy, and Workplace Association*, 88 DENV. U. L. REV. 1 (2010). But see Jaelyn Diaz, *Support for Labor Unions in the U.S. Is at a 57-Year High*, NPR (Aug. 31, 2022, 5:30 AM), <https://www.npr.org/2022/08/31/1120111276/labor-union-support-in-us> [<https://perma.cc/Z2WF-VP89>].

218. See, e.g., *The Union Advantage*, U.S. DEP’T LAB., <https://www.dol.gov/general/workcenter/union-advantage> [<https://perma.cc/NB63-W3H2>] (last visited May 17, 2023).

219. See, e.g., Ana Popovich, *Rep. John Garamendi Calls for Peace Corps Whistleblower Protections*, WHISTLEBLOWER NETWORK NEWS (July 30, 2021), <https://whistleblowersblog.org/national-whistleblower-day/rep-john-garamendi-calls-for-peace-corps-whistleblower-protections/> [<https://perma.cc/9LWC-QUEG>].

220. Kait Pararas, *U.S. House of Representatives Introduces Bill to Provide Whistleblower Protections to Peace Corps*, NAT’L WHISTLEBLOWER CTR., <https://www.whistleblowers.org/news/u-s-house-of-representatives-introduces-bill-to-provide-whistleblower-protections-to-peace-corps/> [<https://perma.cc/N7UM-XT6J>] (last visited Feb. 3, 2023).

221. @peacecorpshr, *HR Report #44*, INSTAGRAM (Feb. 20, 2020), <https://www.instagram.com/p/B8y7jgfBkRt>.

222. @peacecorpshr, *HR Report #52*, INSTAGRAM (July 11, 2020), <https://www.instagram.com/p/CCfOMc9BbNS>.

testify before Congress.”²²³ The benefit of such protections would be threefold. First, they would symbolically signal the Peace Corps’ respect towards Volunteers and trainees. Second, they would improve relations between Volunteers and their supervisors by granting Volunteers and trainees protection from staff misconduct. Finally, they have the potential to improve oversight and accountability overall, as the spectacle of Volunteers telling their stories to Congress carries an increased likelihood of media attention.²²⁴

The third form of legal protection that classifying Peace Corps Volunteers as employees would provide is the opportunity to bring claims under Title VII of the 1991 Civil Rights Act,²²⁵ which

covers both the private sector and, since 1972, state and federal employment. The prime directive of Title VII is found in § 703(a), 42 U.S.C.A. §§ 2000e–2(a):

“It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.”

... Section 703(d), *id.* § 2000e–2(d) applies the anti-discrimination principle specifically to apprenticeship or training programs.²²⁶

The Equal Employment Opportunity Commission (EEOC) has interpreted Title VII to prohibit not only disparate treatment of employees on the basis of race or sex, but

223. Letter from John Kostyack, Exec. Dir., Nat’l Whistleblower Ctr., and Stephen M. Kohn, Chairman of the Bd., Nat’l Whistleblower Ctr., to Gregory Meeks, Chairman, House Comm. on Foreign Affs., Michael McCaul, Ranking Member, House Comm. on Foreign Affs., Bobby Scott, Chairman, House Comm. on Educ. & Lab., and Virginia Foxx, Ranking Member, House Comm. on Educ. & Lab. (Feb. 10, 2021) (available at <https://www.whistleblowers.org/wp-content/uploads/2021/03/NWC-Letter-in-Support-PCRA.pdf> [<https://perma.cc/HVU3-ZUTM>]).

224. *See, e.g.*, Sheryl Gay Stolberg, *Peace Corps Volunteers Speak Out on Rape*, N.Y. TIMES (May 10, 2011), <https://www.nytimes.com/2011/05/11/us/11corps.html>; Brian Ross & Anna Schechter, *Peace Corps Sex Assault Victims Testify Before Congress*, ABC NEWS (May 5, 2011, 2:58 PM), <https://abcnews.go.com/Blotter/peace-corps-volunteers-testify-congress-sexual-assault/story?id=13574590> [<https://perma.cc/WP29-QMXZ>].

225. ESKRIDGE ET AL., *supra* note 194, at 615–16 (“In response to the Supreme Court’s perceived retreat from *Griggs*[, *infra* note 228,] in race discrimination decisions in 1989, Congress codified its understanding of disparate impact in the Civil Rights Act of 1991, . . . which added § 703(k)(1) to Title VII Section 703 (k)(1) recognizes a claim for relief if the plaintiff can show that the employer uses an employment practice that causes a disparate impact on the basis of race, sex, etc., and the employer ‘fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity.’”). For the full legislation, see Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071.

226. ESKRIDGE ET AL., *supra* note 194, at 614 (referencing Civil Rights Act of 1964, Pub. L. No. 88-352, § 703(a), 78 Stat. 241, 255 (codified as 42 U.S.C. § 2000e-2(a)); Civil Rights Act of 1964, Pub. L. No. 88-352, § 703(d), 78 Stat. 241, 256 (codified as 42 U.S.C. § 2000e-2(d)) (quotation marks added)).

also adoption or retention of employment policies that have a disparate race- or sex-based impact on employees not related to the job—essentially every employment practice described in this Note²²⁷—and the Supreme Court has ratified that view.²²⁸ Title VII jurisprudence has specifically “condemned unduly subjective supervisory authority and closed social networks,” precisely the environment of the Peace Corps, “as breeding grounds for discrimination and stereotyping.”²²⁹ Title VII, therefore, would provide the strongest grounds for lawsuits by active or returned Volunteers seeking to ensure the Peace Corps makes meaningful change.

Fourth and finally, as employees, Peace Corps Volunteers and trainees could potentially use the Fourteenth Amendment as an avenue for suit. 42 U.S.C. §1983 provides the cause of action for Equal Protection Clause violations.²³⁰ This is the weakest of the four forms of protection provided by classifying Volunteers as employees, but an option nonetheless that workers currently lack, and one with the potential to enhance statutory claims, as

[f]or employees of any government entity, modern constitutional law generally recognizes the loss of a job as the deprivation of a property interest, and as a result, accords the protections of due process and equal protection principles to government workers who suffer adverse job actions. . . . [I]ntent is required under the Equal Protection Clause As a result, constitutional law has had its strongest impact in the workplace context when litigants did not have the option of invoking a statutory claim. . . . Today, public sector workers who allege job discrimination usually plead both statutory and constitutional causes of action.²³¹

In other words, the Equal Protection Clause “sets at least minimal substantive limits on [the federal government’s] prerogative to dismiss its employees: it forbids all dismissals which are arbitrary and capricious” in that they take place for a

227. See, e.g., Casey Frazier, *Volunteer Opinion Article Says Assault Is ‘Part of the Deal’ in Peace Corps*, FIRST RESPONSE ACTION (Jan. 16, 2012, 3:13 PM), <https://firstresponseaction.blogspot.com/2012/01/volunteer-opinion-article-says-assault.html> [<https://perma.cc/F9B4-AM47>] (“Men and women in Peace Corps can have glaringly different experiences. While some men may be able to move through their communities to accolades of host country nationals or without a second look, many women and some men as well, are followed, stalked, harassed and live with the continual reminder of their gender.”).

228. ESKRIDGE ET AL., *supra* note 194, at 615 (citing *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971)).

229. “Lawyers at the Department of Justice Civil Rights Division and elsewhere secured interpretations of the law pressuring employers and labor unions to abandon highly subjective selection systems that fostered bias or favored people who knew or resembled incumbents.” Schultz, *supra* note 197, at 64 & n.197 (“See, e.g., *United States v. Georgia Power Co.*, 474 F.2d 906, 925 (5th Cir. 1973) (invalidating as racially discriminatory an employer’s use of word-of-mouth recruiting because it would exclude Blacks from the ‘web of information’ regarding job opportunities); *Rowe v. Gen. Motors Corp.*, 457 F.2d 348, 359 (5th Cir. 1972) (invalidating as racially discriminatory promotion and transfer procedures that rely on the subjective evaluation of foremen as a ‘ready mechanism for discrimination’); *Local 53 of Int’l Assoc. of Heat & Front Insulators v. Vogler*, 407 F.2d 1047, 1053–54 (5th Cir. 1969) (invalidating as racially discriminatory a union requirement restricting helpers to sons or close household relatives of a current union member).”).

230. 42 U.S.C. § 1983.

231. ESKRIDGE ET AL., *supra* note 194, at 613.

reason involving an individual's identity or membership in a protected class, rather than a reason related to the individual's employment.²³² In this sense, the firings as discussed above are arbitrary and capricious because they implicate sex: the catch-22 in which the Peace Corps places Volunteers and trainees—by first putting them at greater risk of SGBV, and then administratively punishing trauma responses to SGBV—primarily impacts female-identified Volunteers.²³³ Indeed, the firing “agency bears an affirmative burden to ‘demonstrate some “rational basis” for its conclusion that a discharge will promote the efficiency of the service.’”²³⁴ Given the Peace Corps' complete control over Volunteers' and trainees' daily lives, its comprehensive failure to take steps to prevent SGBV from taking place, and its refusal to offer services that would mitigate the harm of SGBV, it would be difficult for the agency to argue that such firings took place for a legitimate governmental interest.²³⁵ After all, SGBV predominantly makes it more difficult for Volunteers to complete a full term of service, which is the entire point of the Peace Corps;²³⁶ firing those who wish to continue to work for the agency, then, is by definition against the Peace Corps' own interests.

There are additional normative reasons to recognize Volunteers and trainees as employees of the Peace Corps. It is facially hypocritical for an agency engaged in the work of goodwill ambassadorship and training workers in interested countries to fail to grant its own workers the protections and privileges of U.S. law.²³⁷ Besides the symbolic message this failure sends to Volunteers, trainees,²³⁸ and host-country nationals alike, it provokes a question: what other harms does the

232. *Norton v. Macy*, 417 F.2d 1161, 1164 (D.C. Cir. 1969).

233. See *supra* note 75 (providing relevant data obtained via FOIA).

234. *Adams v. United States*, 673 F. Supp. 1249, 1257 (S.D.N.Y. 1987) (internal citations omitted).

235. See, e.g., *Swift v. United States*, 649 F. Supp. 596, 602 (D.D.C. 1986).

236. KALLMAN, *supra* note 62, at 39 (“The work of Peace Corps volunteers is the focus of the agency.”).

237. See, e.g., Kallman, *supra* note 15, at 589 (“‘Peace Corps is an American agency,’ noted a Black woman who served in Thailand, ‘and you can’t expect it to be any less American than America.’” (internal citation omitted)).

238.

This has, of course, immediate practical consequences for issues ranging from volunteer retention to organizational legitimacy, to the cultivation of altruism among American volunteers. Nurturing altruism has meaningful consequences in the United States, whose democracy turns in large part on the health of its civil society. . . . Understanding the long-term consequences of bureaucracies on idealism is a critical component of managing a successful voluntary, third-sector and charitable organizations; positive peace; and participatory democracy, as well as private-sector organizations with a social outlook.

Formal organizations and their rules and techniques do important work to mobilize people and resources, to adjudicate among stakeholders and to aggregate preferences of citizens. They can house repositories of information, and develop and maintain legitimacy in a manner that few people can accomplish individually. Their shortcomings are not necessarily crippling; we can, both in theory and practice, do intentional work to balance the needs of formal organizational structures and bureaucratic rules with the needs of those who populate it. Without people, after all, organizations are merely empty cages.

Kallman, *supra* note 17, at 96 (internal citation omitted).

Peace Corps perpetuate in host countries if it perpetrates these harms on its own workers?²³⁹ At the very least, its willingness to treat its workers as disposable labor means shortened Volunteer service periods due to trauma, denying communities the assistance they have ostensibly requested.²⁴⁰

B. INCREMENTAL REFORM

Rather than addressing Volunteer–staff relations or a comprehensive cultural shift, the Peace Corps has spent the duration of the worldwide COVID-19 evacuation focused on not just returning to field operations²⁴¹ but also expanding the pre-pandemic number of Volunteers and trainees in the field²⁴² to its mandate of ten thousand individuals²⁴³ despite overwhelming evidence that the agency cannot protect the workers it already has. These issues are likely to be exponentially compounded by the strain of managing additional workers if left unresolved.²⁴⁴ Growth has been an ongoing tension within the Peace Corps since its founding, when an evaluation unit that pushed the agency to ensure quality of service over quantity of Volunteers was still in operation.²⁴⁵ That these issues have remained

239. See, e.g., Nadolny et al., *Families*, *supra* note 43.

240. E.g. Casey Frazee, *Confirmation Received from Director Williams*, FIRST RESPONSE ACTION (Mar. 18, 2010, 10:10 PM), <https://firstresponseaction.blogspot.com/2010/03/confirmation-received-from-director.html> [<https://perma.cc/KF4F-38KJ>] (“Many RPCVs will tell you that the retention rates in Peace Corps could be better - a lot better. I was told for Africa to expect that 50% of my group would dissipate by the elusive year one mark. For my training group, that’s just about right. At last count, about 40-45% of my group has left our country of service - and 3 of us left due to assault.”).

241. *Peace Corps Volunteers Return to Service*, PEACE CORPS, <https://www.peacecorps.gov/volunteer/return-to-service/> [<https://perma.cc/ZW2F-ZNFJ>] (last visited May 17, 2023).

242. See, e.g., @peacecorps, *Reminder*, INSTAGRAM (July 18, 2019), <https://www.instagram.com/p/B0Ezf6EB8A2/> (discussing “a Peace Corps-wide move toward having more PCVs in the field”); *Peace Corps Advocacy (2019)*, NAT’L PEACE CORPS ASS’N, <https://www.peacecorpsconnect.org/campaigns/npc-a-peace-corps-advocacy-2019> [<https://perma.cc/2BVR-GGS2>] (last visited May 17, 2023) (promoting a campaign to “build the best Peace Corps community in history: 10,000 Volunteers and the policies and programs to support them”); Press Release, Rep. John Garamendi, Garamendi Reintroduces Bipartisan Peace Corps Reauthorization Act (Mar. 1, 2023) (available at <https://garamendi.house.gov/media/press-releases/garamendi-reintroduces-bipartisan-peace-corps-reauthorization-act> [<https://perma.cc/PC9P-N4YY>]) (discussing legislation to “provide the resources necessary for the redeployment of Peace Corps Volunteers, with the goal of reaching 10,000 Volunteers serving annually around the world” (internal quotation marks omitted)).

243. 22 U.S.C. § 2501(b).

244. For an enlightening historical parallel, see MEISLER, *supra* note 16, at 50–51 (“In their book *Agents of Change*, [David] Hapgood and [Meridan] Bennett describe how the Peace Corps dropped Volunteers into the villages of Peru with the goal of stirring the disenfranchised and exploited Indian masses, but gave them little training and support. ‘At best,’ the evaluators concluded, ‘10 percent of the volunteers were creative enough and persistent enough to discover for themselves the way to go about the job.’”).

245. Evaluators predated the OIG and fulfilled a similar oversight mandate; where the OIG is external to the Peace Corps, however, the evaluation unit operated within the agency’s hierarchy. *Id.* at 45, 51 (“If there was a Battle of Britain between the evaluators and the rest of the Peace Corps, it was largely over what was known as the numbers game. In this, the evaluators won many skirmishes, but they could never win the whole battle. The Peace Corps would try to repair the damage caused by sending too many Volunteers to a particular country, but the drive to expand overall would not slow down in the early years. Despite the problems, [then-Director of the Peace Corps Sargent] Shriver wanted rapid expansion.”).

unresolved for sixty years is indicative of how unlikely the agency is to change of its own accord: the Peace Corps will always value its own continued existence, and the work it does, over the well-being of Volunteers and trainees²⁴⁶ who disrupt its self-image as an organization that does good with narratives of the trauma it causes.²⁴⁷

Multiple proposals from the Platform of Demands illustrate this tension between the Peace Corps' reputation and its functionality and suggest a more plausible, incremental approach to reform than the drastic employer–employee model outlined above. First, the Demands recommend the creation of an “Office of Volunteer Resources” (OVR), blending aspects of the existing Office of Victim Advocacy, an ombudsman, and a Human Resources Department, “to safeguard PCV/T interests,” to administer “a Standards of Conduct agreement that reflects an intersectional, trauma-informed approach,” and to “implement a new system for Volunteers and trainees to anonymously report safety and security incidents as they occur,” specifically.²⁴⁸ The Demands call for the OVR to be staffed and operated independent of the Peace Corps, granting it a unique identification with Volunteer and trainee interests, rather than agency interests.²⁴⁹ This proposal lacks the bite of employment whistleblower protections, as the Peace Corps would not be obligated to abide by the OVR personnel's recommendations the way it would Congress', but it would ensure a critical eye on agency operations and the availability of nonretaliatory reporting options, including licensed mental health professionals.²⁵⁰ This could be critical to protecting the most vulnerable of the Peace Corps' workers from immediate and lasting harm which, as a stopgap measure, would be invaluable to those individuals. The Demands' call for annual OVR reports, moreover, while not as powerful as testimony before Congress, has the potential to increase public attention on the Peace Corps' operations.

246.

The compound effects of sexual and racial harassment increase PTSD symptoms as compared to white women's single-dimensional experience of sexual harassment. These outcomes not only reflect the distinct challenges of facing harassment as a woman of color, but they also confirm that intersectional harassment is a unique form of discrimination, with some unique responses and consequences.

Williams, *supra* note 170, at 1814. Moreover, “[r]elationships between racial and sexual harassment may also affect the reduced job satisfaction, lower organizational commitment, and increased turnover intentions that are commonly observed among sexual harassment victims.” Rosette et al., *supra* note 13, at 13.

247. See, e.g., Kallman, *supra* note 15, at 580 (“Data from volunteers of color overwhelmingly suggested that Peace Corps orientation did not prepare them to deal with the confusion they would encounter at their host sites, particularly where people could not imagine non-White Americans. . . . While the Peace Corps training includes material on safety and sexual assault, it remains focused largely around gendered self-protection rather than racialized self-protection, or identity.”); Dryke, *supra* note 51 (“I was revictimized by the Peace Corps.”).

248. @PEACECORPSHR, *supra* note 10, at 2 (internal citations omitted).

249. *Id.* at § 2.

250. *Id.* at §§ 2–4.

Establishment of a new office would likely require Congressional approval,²⁵¹ but because the OVR as proposed does not draw from the Peace Corps’ existing budget,²⁵² its creation would put no additional strain on the agency—except the burden of negative publicity and the need to implement real change in response.

Second, the Demands propose that the Peace Corps “collect and publish additional data from Volunteers and trainees about their experiences,” and “use that data to self-assess and implement changes as necessary.”²⁵³ While data alone cannot fix the agency’s widespread flaws, and the Peace Corps cannot necessarily be trusted to implement changes in response to data in good faith, collecting and publishing better data, again, has the potential to increase public scrutiny of the crisis of SGBV against Volunteers and trainees. For instance, the Demands would have the agency drop the term “unwanted attention” and collect data on a far broader array of forms of SGBV in its place.²⁵⁴ The Demands also call on the agency to collect and publish disaggregated demographic information on marginalized identities such as race, disability, and LGBTQ+ community membership, allowing for intersectional analyses of which Volunteers and trainees face the highest risk of SGBV worldwide, and from post to post.²⁵⁵ This, in turn, would allow interested applicants to make better decisions for their own safety about whether to serve, where to serve, and how to prepare for the worst. It would also allow researchers to better understand causes of SGBV against Volunteers and trainees and make more precise recommendations for improvements.

Finally, the Demands state that “Peace Corps invitees, trainees, and Volunteers are workers with full autonomy over their bodies and decisions; the agency must treat them as such” by standardizing “processes that center and protect Volunteers and trainees,” committing to “measurable, public, and universally standard systems of accountability to Volunteers and trainees,” and providing “adequate training and resources to invitees, trainees, Volunteers, headquarters staff, post staff, contractors, host families, counterparts, and all other persons with whom the agency maintains a relationship.”²⁵⁶ This goes farther than designating Volunteers and trainees as employees by addressing external measures the Peace Corps could take to protect Volunteers and trainees from the individuals it exposes them to, as well as delving into the intersection between labor law and human rights norms.²⁵⁷ U.S. employment law does not obligate employers to provide systems of accountability or processes that center and protect vulnerable

251. For instance, creation of the Office of Victim Advocacy required authorization via the Kate Puzey Act. 112 Pub. L. No. 112-57, sec. 2, § 8C(a), 125 Stat. 736, 739 (2011).

252. See generally @PEACECORPSHR, *supra* note 10.

253. *Id.* at §§ 3–4.

254. *Id.* at § 4-1(A).

255. *Id.* at § 4-1(B).

256. *Id.* at 2 (internal citations omitted).

257. See generally Kevin Kolben, *Labor Rights as Human Rights?*, 50 VA. J. INT’L L. 449 (2010) (discussing the overlap between labor rights and human rights).

workers,²⁵⁸ and setting such norms could go a long way toward repairing Volunteer–staff relations. The Demands’ method of strengthening existing VACs, though not a replacement for unions, would formalize and publicize VAC operations to the maximum extent possible. Moreover, these areas of the Demands dive into highly focused and targeted issues that the broader stroke of employment designation would not address.²⁵⁹ Thus, were the Peace Corps to adopt these smaller changes rather than the overarching shift to an employer–employee relationship, it would minimize future tensions with Volunteers and trainees, active or returned, by listening to them in the first place. However, the Peace Corps is unlikely to take even these minimal, incremental steps without any legal pressure to do so.

CONCLUSION

The catch-22 Volunteers face is that the Peace Corps not only blames the conditions of hardship under which they serve for their victimization, it also creates those conditions—and then punishes Volunteers for being victimized with a maze of bureaucratic procedures which withdraw resources or choices from survivors, thus becoming, itself, a hardship that perpetuates the cycle of violence. Given the control the agency exercises over who has intimate access to Volunteers’ and trainees’ bodies, from authorizing limited healthcare providers to assigning mandated host families, the Peace Corps is responsible—at the very least—for conducting adequate background checks on and training these individuals, as well as staff, contractors, counterparts, and other trainees and Volunteers. However, the agency redirects focus to Volunteer behavior both in what it teaches trainees and in how it explains high rates of sexual assault to the world.²⁶⁰ Invitees who consent to serve under conditions of hardship, unaware that when

258. For international perspectives on protectionist regimes for pregnant workers, a subgroup particularly vulnerable to discrimination, see Hannah Lowenthal, *People Are Sharing What Parental Leave Looks Like Around the World, and I, as an American Woman, Feel Completely Stunned*, BUZZFEED (July 14, 2022), <https://www.buzzfeed.com/hannahloewenthal/paid-family-leave-around-the-world> [https://perma.cc/Y5LH-F9TV].

259. *E.g.*, @PEACECORPSHR, *supra* note 10, at § 7-2 (“The Peace Corps must provide invitees with written information in clear and easily comprehensible language regarding: A) Sex- and gender-based violence, including: I. 22 U.S.C. 2507a. §§ 8A(d) and (e) materials (post-specific information on the likelihood that the invitee will encounter SGBV during service and support options available if a PCV/T is the victim of any crime); II. How the legal system in the country of service defines and approaches the following forms of SGBV, as compared to the U.S. . . . III. In-country social and cultural norms around SGBV; IV. Potential impacts of SGBV on survivors’ service, site placement, community relations, and host family interactions . . .”).

260. *Compare* OFF. OF SAFETY & SEC., PEACE CORPS, *supra* note 57, at 2 (stating that “[m]ost crimes reported by Peace Corps Volunteers are property crimes” and “[f]rom 2001-2010, 8.5 percent of incidents reported were sexual assaults”), *with* OFF. OF SAFETY & SEC., PEACE CORPS, *supra* note 7, at 23 (“Volunteers spend most of their time during service in the communities where they live and work (i.e., Volunteer sites). Because Volunteers are in their sites a majority of the time, one would expect a majority of reported crimes to occur in Volunteer sites. However, that is not the case. During calendar year 2019, over half (53 percent) of all incidents reported to staff happened when Volunteers were away from the communities in which they live and work.” (internal citation omitted)).

they do so, the agency largely recuses itself of commonsense proactive prevention measures, are victimized due to the Peace Corps’ bureaucratic exercise of rigid control.²⁶¹ A Volunteer who reports SGBV may find themselves no longer eligible for service as a result—and if they do not, the resulting harm may eventually disqualify them anyway, resulting in lost earnings. Thus, misrepresentations notwithstanding,²⁶² the Peace Corps is directly accountable for the earnings and experience Volunteers lose when they are pushed out early for reporting, either via outright retaliation or indirect organizational procedures.

Peace Corps Volunteers currently work under a patchwork of unevenly enforced, unwritten, and interlocking policies which function almost uniformly to the detriment of survivors of SGBV, presumably to protect the agency. Yet the two are intrinsically intertwined: without Volunteers, there is no Peace Corps. Sacrificing the health and well-being of workers in the interest of maintaining the status quo, cutting costs, or reducing legal liability can ultimately only weaken the agency itself and the work that it does. Though further research is required to assess the long-term impacts of reclassification on all areas of Peace Corps service,²⁶³ the single most comprehensive and effective solution that has currently been proposed is to reclassify Peace Corps Volunteers as employees. This would be just the first step²⁶⁴ to an equitable workplace environment for a uniquely

261. *See, e.g.*, Slack & Nadolny, *supra* note 2.

262. *Compare* OFF. OF SAFETY & SEC., *supra* note 57, at 1 (“The Peace Corps is committed to providing accurate and transparent information about Volunteer service. We maintain statistics and information that describe the nature and conditions of Peace Corps service . . .”), *with, e.g.*, Rein, *supra* note 5 (noting that, the same year the handbook was published, officials publicly acknowledged agency awareness that underreporting was high).

263. For instance, while there is no unified definition of an “employee” in the Fair Labor Standards Act to preclude inclusion of Volunteers or trainees, it is plausible that such reclassification would require navigating other federal laws or Congressional procedures. Per the Fair Labor Standards Act,

The term “employee” means an individual employed by an employer, except that the term ‘employee’ shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer’s personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision. With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.

42 U.S.C. § 2000e(f).

264. *See* Kallman, *supra* note 15, at 587 (“Because of its inability to reassess its organizational assumptions about gender and race, the Peace Corps avoids taking responsibility for its participation in various systems of oppression and, indeed, reinforces those very systems. Understanding how these institutions function and how gender and race are experienced could serve as a corrective both for the Peace Corps and for development in general.”); *see also id.* at 588–89 (noting that “the Peace Corps as an agency could benefit from establishing intentional, ongoing space to support volunteers grappling with these issues. It could rethink pre-service training so that it centers the experiences of women and acknowledges the ways in which women’s experiences will differ by race. It could also take the form of ongoing inquiry into, conversations about, and support for women as they encounter racism, sexism, and violence during their service. . . . [T]he Peace Corps may benefit from directly grappling with the colonial history from which it emerged,” and that “the Peace Corps itself is in a unique position to

vulnerable population, as the employee protections described above have proven weak or impractical in ordinary U.S. workplaces. Nonetheless, official recognition of the employer–employee relationship would grant increased protections and create enforcement mechanisms for an agency that currently lacks any accountability to its workers, ending the Peace Corps’ longstanding catch-22 and resultant workplace culture which has proven toxic and dangerous for Volunteers and trainees. At present, the Peace Corps fulfills its second goal, to “promote a better understanding of Americans on the part of the peoples served,”²⁶⁵ only inasmuch as that understanding is one of open sexism, hollow ideals, and a legacy of sexual and gendered violence.

potentially embrace some of these anti-colonial reforms, as an organization whose explicit mission is to cultivate peace and understanding”).

265. PEACE CORPS, *supra* note 192.