

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**EXECUTIVE OFFICE OF THE MAYOR**



**Mayor's Office of Legal Counsel**

MOLC's Summary of Findings from the Sexual Harassment Investigative Report

June 17, 2023

On March 8, 2023, the Mayor and the Mayor's Office of Legal Counsel (MOLC) received an email containing a letter from the representatives of an employee working in the office of the Deputy Mayor for Planning and Economic Development (DMPED). The letter, with attachments, made allegations of sexual harassment against the Deputy Mayor and Chief of Staff for the Mayor (DM/COS).

The MOLC Sexual Harassment Officer (SHO) was assigned to investigate the matter and began her investigation on March 10, 2023. The SHO interviewed the Complainant, on March 20<sup>th</sup>, April 26<sup>th</sup>, and May 11<sup>th</sup>. In total, the SHO conducted 32 interviews with 21 individuals for the investigation, comprised of both current and former District employees who were identified as possibly having knowledge related to the Complainant's allegations. The DM/COS declined to participate in the investigation.

The SHO also reviewed emails, documents, photographs, text messages either provided by the complainant and/or witnesses or that were reasonable to request in light of the investigation. Review of the Complainant's documents required four in-person visits, totaling 13 hours. All told, the SHO reviewed thousands of emails and other communications, including screenshot messages.

Upon completion of the investigation, the SHO provided her Investigative Report to the MOLC Director and Deputy Director. The MOLC Director and Deputy Director reviewed the investigative report outlining the investigation methodology, the allegations and findings and gave the Investigative Report to the Mayor.

**Allegations of Inappropriate Conduct**

The Complainant alleged violations of Mayor's Order on Sexual Harassment Policy, Guidance, and Procedures (Mayor's Order 2017-313) in relation to the following:

Physical sexual advances: The Complainant alleged that in two separate incidents on September 28, 2022, and October 2, 2022, the DM/COS made unwelcome, physical, sexual advances towards her while she was in his apartment. The Complainant alleged she was subjected to unwelcome touching of a sexual nature by the DM/COS during both incidents and that the DM/COS exposed his sexual organs during the second incident.

Inappropriate messages: The Complainant alleged that, beginning soon after the first physical encounter on September 28<sup>th</sup> and ending on March 8, 2023, the DM/COS sent her thousands of messages via the instant messaging application, Snapchat, on her personal cell phone. The Complainant alleged that these messages were unwanted and sexually-charged, including demands for sex and a graphic video.

Sexual or attraction-based favoritism: The Complainant alleged that the DM/COS fostered an environment where individuals were rewarded with favorable assignments, promotions, and jobs for engaging in sexual conduct with the DM/COS or for remaining silent about the DM/COS's behavior. The Complainant alleged more broadly that the DM/COS used the office "as his dating ground," and proffered the names of 11 current and former District employees rumored to have engaged in sexual conduct with the DM/COS.

Bullying by DMPED Senior Staff: The Complainant alleged that the DM/COS orchestrated her poor treatment in the workplace by DMPED's senior staff and that he was trying to fire her.

Transfer/Demotion: The Complainant alleged that the DM/COS arranged her intra-agency transfer from one unit to another unit of DMPED. The Complainant alleged that despite the transfer being described to her as a lateral transfer, it was actually a demotion.

Retaliatory interactions with the DM/COS in the workplace and at events: The Complainant alleged that the DM/COS retaliated against her for denying his sexual advances by "manipulating her at work, at times pulling her off staffing for certain events and shunning her...". The Complainant also alleged that the DM/COS would not appear at events she was staffing or ignore her at events.

Threatening Behavior: The Complainant alleged that she found various aspects of the DM/COS's behavior to be threats to her physical safety, such as monitoring her location via Snapchat, the DM/COS' temper, and warnings she received from others that "[she] could go missing." Complainant alleged that using her location on Snapchat, the DM/COS would send her messages instructing her to "go home" when she was out at a bar or asking her to come to his home for sex.

The Complainant also alleged that the DM/COS threatened her job by cornering her at an event to intimidate her to stay quiet about her issues with her supervisor and their inappropriate relationship. The Complainant alleged that the DM/COS orchestrated the termination of an EOM employee who had discussed the DM/COS's sexual conduct towards junior staffers in an effort to intimidate the Complainant.

Retaliatory post-complaint treatment: The Complainant alleged that she was treated differently in the workplace since filing her sexual harassment complaint on March 8, 2023. The Complainant stated that DMPED senior staff have been "actively retaliating against [her]" by not including her on emails that are relevant to her work, not responding to emails sent by the Complainant, and removing her from projects that she was designated to lead.

### **Agency Findings**

Pursuant to Mayor's Order 2017-313, the SHO concluded the investigation and the Agency has reached the following findings and conclusions:

#### **Allegation No. 1– Physical Sexual Advances – SUBSTANTIATED**

The allegation that the DM/COS engaged in physical sexual advances as alleged by the Complainant during the incidents of September 28<sup>th</sup> and October 2<sup>nd</sup> is **SUBSTANTIATED**.

#### **Allegation No. 2 – Inappropriate messages – SUBSTANTIATED**

The allegation that the DM/COS sent the Complainant unwanted, sexually-explicit messages, including a graphic video, as alleged by the Complainant is **SUBSTANTIATED**.

**Allegation No. 3 – Sexual or attraction-based favoritism – UNSUBSTANTIATED.**

While the SHO found evidence to support that the DM/COS gave preferential assignments to women he found attractive and used the workplace as a “dating pool”, the investigation was unable to substantiate that any favoritism was given based on a sexual or romantic relationship in violation of Mayor’s Order 2017-313. With respect to Complainant’s allegation that 11 were rumored to have engaged in sexual conduct with the DM/COS, 4 denied that allegation and the remaining 7 either declined to participate in the investigation, did not respond or were unable to be contacted.

The irregular hiring practices and promotions of employees rumored to have tolerated sexual advances by the DM/COS is a broader accusation and would require a more detailed investigation and analysis of the hiring and promotion practices at DMPED and EOM to the extent they were controlled or influenced by the alleged harasser.

**Allegation No. 4 – Bullying by DMPED Senior Staff – UNSUBSTANTIATED.**

The investigation was unable to substantiate the Complainant’s allegation that the DM/COS “orchestrated” her poor treatment by DMPED’s senior staff for rebuffing his sexual advances. While there is evidence to suggest that the Complainant’s direct supervisor treated her poorly, this treatment does not appear to be rooted in sexual harassment or at the behest of the DM/COS. Additionally, this allegation does not fall within the scope of Mayor’s Order 2017-313.

**Allegation No. 5 – Transfer/Demotion – UNSUBSTANTIATED.**

The investigation was unable to substantiate the Complainant’s allegation that her transfer to one unit from another was orchestrated by the DM/COS in retaliation for rebuffing his sexual advances. The investigation found that the DM/COS was not involved in the personnel decision to transfer the Complainant to the second unit nor did he take any issue with the lateral transfer.

Further, the investigation found that the documentary evidence did not support a finding that the transfer was a demotion as the Complainant’s salary and the terms and conditions of her employment remained the same. Though the Complainant claimed she was treated less favorably than a co-worker with the same title, the SHO found that the documentary evidence indicated that the Complainant and the comparator co-worker have similar educational and professional experiences and received similar compensation and titles.

**Allegation No. 6 – Retaliatory interactions with the DM/COS in the workplace and at events – UNSUBSTANTIATED.**

While the Complainant provided documentary evidence demonstrating that the DM/COS did not appear at events she was staffing and went periods of time without communicating with the Complainant, the investigation was unable to substantiate that the DM/COS’ behavior was in retaliation for rebuffing his sexual advances or that the behavior violated Mayor’s Order 2017-313.

**Allegation No. 7 – Threatening Behavior – UNSUBSTANTIATED.**

The Complainant’s allegations that the DM/COS threatened the Complainant’s job security by “cornering” her at an event as alleged and orchestrating the termination of an EOM employee who

discussed the DM/COS's sexual conduct in an effort to intimidate the Complainant, the investigation was unable to substantiate that the DM/COS' behavior violated Mayor's Order 2017-313.

While the documentary evidence supports that the DM/COS did observe the Complainant's location on Snapchat and send messages at times instructing her to go home or come to his home for sex, the investigation was unable to substantiate that the Complainant's fear for her physical safety was reasonable under the circumstances or that the DM/COS intended to harm her by tracking her movements.

**Allegation No. 8 – Retaliatory post-complaint treatment – UNSUBSTANTIATED.**

In accordance with Mayor's Order 2017-313, the Complainant's allegations of retaliation that have occurred since filing her sexual harassment complaint are not within the SHO's purview for this investigation. The Complainant has been instructed to file, and should file, any complaint of retaliation with an EEO Counselor within 180 days of the alleged retaliation.

**Conclusion**

Based on the foregoing, the Complainant's substantiated allegations against the DM/COS more likely than not constituted sexual harassment as defined and prohibited by Mayor's Order 2017-313.