



## **Summary of Findings and Conclusions**

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### **MOLC Investigation**

On March 29, 2023, the Director of the Mayor's Office of Legal Counsel (MOLC) received an email containing a letter from the representatives of an employee (Complainant) working in the Office of the Deputy Mayor for Planning and Economic Development (DMPED). The letter 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 on March 30, 2023 and began her investigation immediately. The SHO initially interviewed the Complainant, according to the Complainant's availability, on April 6, 2023. The SHO subsequently stayed the investigation for approximately three weeks while she drafted an investigation report for a separate complaint of sexual harassment against the DM/COS. A follow-up interview was conducted with the Complainant on June 20, 2023. In total, the SHO conducted 18 interviews with 13 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. While the DM/COS initially agreed to be interviewed on April 12, 2023, he canceled the interview on April 3, 2023 and declined the SHO's later offers to address the Complainant's allegations through an interview or written inquiry.

The documents proffered by Complainant in support of her allegations were not made available to the SHO until June 21, 2023 and were only made available under the condition that the SHO visit the office of the Complainant's counsel to review them. Additionally, the SHO reviewed Complainant's documents, hundreds of emails, and any corresponding attachments as a part of the investigation.

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, allegations, and findings.

### **Allegations of Inappropriate Conduct**

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

Allegation 1— Physical sexual advances: The Complainant alleged that in 2020 in four incidents, the DM/COS made unwelcome, physical, sexual advances towards her while she was in his apartment at his direction for work related reasons. The fifth unwanted sexual advance in 2020 was at a different location outside of work hours.

Allegation 2— Unwanted romantic attention: The Complainant alleged that in 2020 the DM/COS sent her flirtatious messages and asked her personal questions about her romantic life to manipulate her into

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feeling comfortable with him. The Complainant alleged that this repeated romantic attention was unwanted and intended to make her less resistant to the DM/COS's subsequent sexual advances.

Allegation 3— Retaliatory interactions by the DM/COS: The Complainant alleged that the DM/COS retaliated against her for denying his sexual advances by reducing her duties and responsibilities; ruining her professional reputation; and treating her and another employee with hostility.

Allegation 4— Retaliatory treatment by a senior staffer at DMPED: The Complainant alleged that a senior staffer at DMPED treated her unprofessionally by not including her on emails, not responding to emails sent by the Complainant, giving her a low evaluation score, and belittling or cutting her off in meetings. The Complainant alleged that this was done at the behest of the DM/COS.

**Agency Findings**

Pursuant to Mayor's Order 2017-313, the SHO concluded the investigation and the MOLC has reached the following findings and conclusions based on the preponderance of the evidence:

**Allegation 1— Physical Sexual Advances – SUBSTANTIATED**

The allegation that the DM/COS engaged in physical sexual advances as alleged by the Complainant during the 5 incidents in 2020 is **SUBSTANTIATED**.

**Allegation No. 2 – Unwanted romantic attention – SUBSTANTIATED**

The allegation that the DM/COS sent the Complainant unwanted, flirtatious messages and asked personal questions about her romantic relationships to gain Complainant's trust is **SUBSTANTIATED**.

**Allegation 3 – Retaliatory interactions by the DM/COS – UNSUBSTANTIATED**

The investigation was unable to substantiate the allegation that the DM/COS retaliated against the Complainant for rebuffing his sexual advances. Specifically, the SHO was unable to determine that the four alleged adverse actions, considered individually and in conjunction, rose to the level of a materially adverse action or could dissuade a reasonable employee from making a charge of discrimination.

**Allegation 4 – Retaliatory treatment by senior staffer at DMPED – UNSUBSTANTIATED**

While the SHO found that there was some evidence to suggest that a senior staffer at DMPED treated Complainant in an unprofessional manner, the record did not substantiate that this treatment was at the behest of the DM/COS or rose to an actionable level. Based on the record and Complainant's description of the treatment, this does not appear to be rooted in sexual harassment and does not fall within the scope of Mayor's Order 2017-313.

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**Conclusions**

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, as well as the newly amended D.C. Human Rights Act (D.C. Official Code § 2-1402.11(c-1)).

**Recommendations**

At the conclusion of the investigation, the SHO made recommendations to the Mayor based on her findings. These recommendations focused on improving the District's policies and procedures to ensure the District takes proactive steps to prevent sexual harassment and to encourage reporting so that future issues may be addressed in a timely and appropriate manner.

Sincerely,

Eugene Adams  
Director, MOLC

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Deputy Director, MOLC