



Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Brianne K. Nadeau  
Councilmember, Ward 1

**Statement of Introduction  
Sexual Harassment Investigation Integrity Amendment Act of 2023**

June 28, 2023

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Dear Secretary Smith,

Recent allegations of serious sexual harassment at the highest levels of our government have harmed employees, called into question investigative procedures, and damaged public trust. As a Council, we have a responsibility to support victims, protect workers, and restore public trust by holding people accountable, especially people in positions of authority.

Today I am introducing the “Sexual Harassment Investigation Integrity Amendment Act of 2023”, along with Council Chairman Phil Mendelson and Councilmembers Christina Henderson, Robert White, Brooke Pinto, Janeese Lewis George, Zachary Parker, Charles Allen, Vincent Gray, and Anita Bonds. We have an opportunity to ensure that, going forward, employees who believe they have been subject to sexual harassment will have confidence that if they come forward, their cases will be handled professionally and without bias.

This bill requires that allegations of sexual harassment made against executive branch employees in positions of power – specifically, mayoral appointees, including agency and sub-agency heads, deputy mayors, and those appointed to boards and commissions – be referred to an independent investigator with experience in investigating sexual harassment allegations, rather than be handled by any office within the executive branch.

I want to acknowledge how brave it was for these women to come forward and how difficult it must have been to share such horrible experiences. No employee should feel unsafe in their workplace. No employee should be subject to sexual harassment, especially by those in positions of authority and influence. No employee should fear retribution – or, just as bad, inaction – for coming forward.

Employees should be able to trust that their allegations will be taken seriously, and that an investigation will not be influenced by internal or external politics or the appearance of

politics. The public should be able to trust that we are protecting employees, protecting the use of District government assets, and that government offices are focused on and capable of doing the work they are assigned in an environment and culture that supports that work.

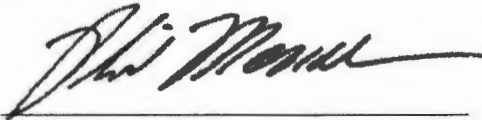
Requiring independent investigations is a significant part of restoring that trust. They will allow for unsafe environments and specific incidents to be identified earlier, create a disincentive to potential offenders, and give confidence to those who would file a complaint to do so to protect themselves and others, and to do so earlier.

Last Council Period, after lengthy research and discussion, this body approved a sexual harassment policy for our own branch of government that requires independent investigations in cases of formal sexual harassment complaints. We also recognized that when complaints are made against those with the highest level of authority – councilmembers themselves – even greater attention must be paid to the uneven power dynamic, and we required that even informal complaints must go to an independent investigator. Executive branch employees deserve the same protections.

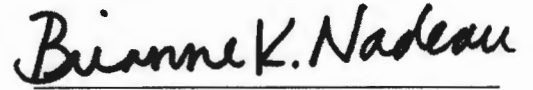
Sincerely,

A handwritten signature in black ink that reads "Brianne K. Nadeau". The signature is written in a cursive, flowing style.

Brianne K. Nadeau  
Councilmember, Ward 1  
Chairperson, Committee on Public Works & Operations



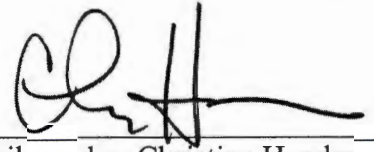
Chairman Phil Mendelson



Councilmember Brianne K. Nadeau



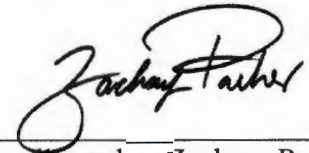
Councilmember Brooke Pinto



Councilmember Christina Henderson



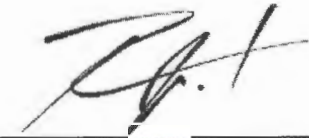
Councilmember Janeese Lewis George



Councilmember Zachary Parker



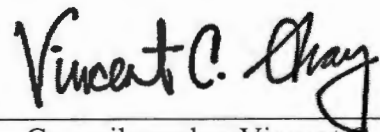
Councilmember Charles Allen



Councilmember Robert C. White, Jr.



Councilmember Anita Bonds



Councilmember Vincent C. Gray

A BILL

\_\_\_\_\_  
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
\_\_\_\_\_

1 To Amend the District of Columbia Human Rights Act of 1977 to establish investigatory  
2 procedures for harassment by certain District government employees.

3  
4 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may  
5 be cited as the "Sexual Harassment Investigation Integrity Amendment Act of 2023".

6           Sec. 2. Section 303 of The District of Columbia Human Rights Act of 1977, effective  
7 December 13, 1977 (D.C. Law 2-38, D.C. Official Code § 2-1401.01), is amended as follows:

8           (a) Subsection (a) is amended to read as follows:

9           “(a) Notwithstanding subsection (c) of this section, The Mayor shall establish rules of  
10 procedure for the investigation, conciliation, and hearing of administrative complaints filed  
11 against District government agencies, officials and employees alleging violations of this chapter.  
12 The final administrative determination in such matters shall be made by the Mayor or his  
13 designee.”

14           (b) A new subsection (c) is added to read as follows:

15           “(c) (1) Investigations of a formal or informal complaint of harassment or other unlawful  
16 discriminatory practice by a District government employee shall be referred to the Inspector  
17 General if the alleged perpetrator, at the time of the alleged incident or at the time of the  
18 complaint, serves in one of the following capacities:

19                           “(A) A mayoral appointee of any subordinate agency, board, or  
20 commission, as defined by the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-  
21 142; D.C. Official Code § 1-523.01);

22                           “(B) The Director of a non-subordinate agency; or,

23                           “(C) Any Career, Educational, Legal, Excepted, or Management  
24 Supervisory Services employee who reports directly to the Mayor or City Administrator.

25           “(2) The Inspector General shall hire and retain independent counsel to conduct  
26 prompt investigations into any complaints referred pursuant to paragraph (1), and to produce a  
27 report of findings.

28                           “(A) Independent counsel hired and retained by the Inspector General

29 pursuant to this subsection shall have experience in confidentiality and sexual harassment law,  
30 including litigation and mediation.”

31           “(3) Investigations referred to the Inspector General, in addition to encompassing  
32 the direct scope of the complaint, shall include an assessment of whether any District  
33 government resources were expended in the course of any unlawful discriminatory practice, and  
34 whether workplace culture, management procedures, or other broader factors contributed to any  
35 unlawful discriminatory practice.

36           Sec. 3. Fiscal impact statement.

37           The Council adopts the fiscal impact statement in the committee report as the fiscal  
38 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
39 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

40           Sec. 4. Effective date.

41           This act shall take effect after approval by the Mayor (or in the event of veto by the  
42 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
43 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
44 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
45 Columbia Register.