



# Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

November 27, 2023

Councilmember Brianne Nadeau  
Chair, Committee on Public Works and Operations  
Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 108  
Washington, DC 20004  
[bnadeau@dccouncil.gov](mailto:bnadeau@dccouncil.gov)

Councilmember Anita Bonds  
Chair, Committee on Executive Administration and Labor  
Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 404  
Washington, DC 20004  
[abonds@dccouncil.gov](mailto:abonds@dccouncil.gov)

## **RE: DC Council Bill B25-0351 – the "Sexual Harassment Investigation Integrity Amendment Act of 2023"**

Dear Councilmember Nadeau and Councilmember Bonds,

At its regular meeting on November 15, 2023, Advisory Neighborhood Commission 2A (“ANC 2A” or “Commission”) considered the above-referenced matter. With six of eight commissioners present, a quorum at a duly-noticed public meeting, the Commission voted (4-2-0), after a motion made by Commissioner Patel and seconded by Commissioner Malec, to adopt resolution CR-23-005, which reads as follows:

WHEREAS, on December 18, 2017, Mayor Muriel Bowser signed [Mayor’s Order 2017-313](#)<sup>1</sup> (“The Order”), updating the District’s policies and procedures addressing sexual harassment in the workplace, in part in response to “the much needed and growing conversation on sexual harassment around the nation,”

WHEREAS, Mayor Bowser’s announcement [noted](#)<sup>2</sup>: “Sexual harassment violates DC values, we take all claims of harassment seriously, and we remain committed to providing a safe working environment for all employees,”

WHEREAS, the Order “make[s] clear that the District of Columbia Government [...] does not tolerate any form of sexual harassment in the workplace. Sexual harassment is recognized as one of the most unjust, demeaning, and demoralizing examples of workplace misconduct,”

WHEREAS, the Order defines what constitutes sexual harassment (including quid pro quo and the establishment of a hostile environment), how to report and respond

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<sup>1</sup> [Mayor’s Order 2017-313 | mayormb \(dc.gov\)](#)

<sup>2</sup> [Mayor Bowser Mandates Sexual Harassment Training for All DC Government Employees | mayormb](#)



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to sexual harassment, and what protections are available to employees involved in a sexual harassment complaint,

WHEREAS, the Order requires each agency to have a dedicated sexual harassment officer to review and investigate allegations of sexual harassment. This individual must investigate and issue findings within 60 days of reporting. A complaint against an agency director is submitted to the appropriate Deputy Mayor for review; a complaint against a Deputy Mayor is submitted to the City Administrator for review; and a complaint against the City Administrator is submitted to the Mayor’s General Counsel for review, who also receives complaints against any agency director in the Executive Office of the Mayor. An independent consultant is only hired to investigate where there is a complaint against the Mayor or the Mayor’s General Counsel,

WHEREAS, on March 20, 2023, Bowser [announced](#)<sup>3</sup> an investigation by the Mayor’s Office of Legal Counsel (MOLC) into John Falcicchio, who previously served as the Mayor’s Chief of Staff and Deputy Mayor for Planning and Economic Development, following his resignation three days earlier in the wake of claims that he committed sexual harassment in the workplace,

WHEREAS, shortly after Mayor Bowser’s announcement, the law firm of Katz Banks Kumin released a [statement](#)<sup>4</sup> that they represent a DC government employee who came forward to report “serious allegations of sexual harassment” by John Falcicchio, who has been described as “a shadow mayor who wielded power over economic development and devised political strategy,” and stating that “this behavior is longstanding,”

WHEREAS, nearly two weeks later, a second employee came forward with allegations of harassment by John Falcicchio. The [statement](#)<sup>5</sup> from Katz Banks Kumin regarding that employee noted: “Her allegations are extremely disturbing and reflect a longstanding pattern of sexual harassment and predatory behavior by Mr. Falcicchio,”

WHEREAS, Ward 1 Councilmember Brianne Nadeau issued a [statement](#)<sup>6</sup> on April 11th, 2023, raising concern about the lack of an outside investigation into the allegations against John Falcicchio. Councilmember Nadeau noted: “When a sexual harassment allegation by a Council staff person or councilmember rises to the level of a formal complaint, we bring in an outside investigator. That is how it should be and is not the path that was used in the recent high-profile case in the Mayor’s office. That investigation, involving a deputy mayor, is being investigated by the

<sup>3</sup> [Statement from Mayor Bowser on the Departure of John Falcicchio from DC Government | mayormb](#)

<sup>4</sup> [Sexual Harassment Complaint Against D.C. Mayor's Former Chief of Staff \(katzbanks.com\)](#)

<sup>5</sup> [Second Sexual Harassment Complaint Against John Falcicchio \(katzbanks.com\)](#)

<sup>6</sup> [Brianne K. Nadeau on Twitter: "When a sexual harassment allegation by a Council staff person or councilmember rises to the level of a formal complaint, we bring in an outside investigator. That is how it should be and is not the path that was used in the recent high-profile case in the Mayor's office. 1/4 https://t.co/qjPD71OorL" / Twitter](#)



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Mayor’s legal counsel. I am worried that it could represent a broader failure in District government to take sexual harassment seriously,”

WHEREAS, on June 17, 2023, the MOLC posted the following [findings](#)<sup>7</sup> of their investigation into these allegations via an untitled link on a secondary page on the MOLC website,

WHEREAS, the MOLC report concluded, “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 the Mayor’s Order 2017-313,”

WHEREAS, on July 10, 2023, Councilmembers Nadeau, Parker, Pinto, Lewis George, Bonds, Allen, R. White, Gray, and Henderson and Chairman Mendelson introduced the “[Sexual Harassment Investigation Integrity Amendment Act of 2023](#)<sup>8</sup>,” and

WHEREAS, 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.

THEREFORE, BE IT RESOLVED that ANC 2A supports the proposed legislation to guide the process for choosing an appropriate investigatory body for past and future sexual harassment accusations of Mayoral-appointed full-time DC government employees.

BE IT FURTHER RESOLVED that ANC 2A calls for an investigation managed independently from the Mayor’s Office to assess sexual harassment claims made regarding Deputy Mayor for Planning and Economic Development and Chief of Staff John Falcicchio.

BE IT FURTHER RESOLVED that ANC 2A recommends the Mayor instructs the Mayor’s Office of Legal Counsel to expand its investigation upon any finding of workplace sexual harassment by the Deputy Mayor for Planning and Economic Development to include consideration of whether there were missed opportunities by those in positions of authority to prevent the harassment and provide the final report to the District’s Office of the Inspector General.

BE IT FURTHER RESOLVED that ANC 2A calls on the DC Council, including the Committee on Executive Administration and Labor, to conduct adequate

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<sup>7</sup> [MOLC-Summary.pdf \(dc.gov\)](#)

<sup>8</sup> [B25-0351 - Sexual Harassment Investigation Integrity Amendment Act of 2023 \(dccouncil.gov\)](#)



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oversight to ensure complete staffing so that each agency has the required sexual harassment officer and to encourage each agency to also assign an alternate sexual harassment officer.

BE IT FURTHER RESOLVED that ANC 2A calls on the DC Council, including the Committee on Public Works and Operations, to conduct adequate oversight to ensure faithful implementation of the [Sexual Harassment Data Collection and Reporting Act of 2022](#)<sup>9</sup> and the data reporting contained therein, as well as to encourage the Mayor’s Office to implement the recommendations contained in this resolution (and possibly others), as informed by the data provided.

BE IT FURTHER RESOLVED that ANC 2A requests that findings from such investigation be made freely public within a reasonable time following the completion of said investigation.

BE IT FURTHER RESOLVED that ANC 2A advises the Department of Human Resources (DHR) to recruit, update, and maintain a list of sexual harassment officers for use by all the DC government employees.

Commissioners Trupti Patel ([2A03@anc.dc.gov](mailto:2A03@anc.dc.gov)) and Jim Malec ([2A02@anc.dc.gov](mailto:2A02@anc.dc.gov)) are the Commission’s representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

Jim Malec  
Chairperson

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<sup>9</sup> [D.C. Law 24-171. Sexual Harassment Data Collection and Reporting Act of 2022. | D.C. Law Library \(dccouncil.gov\)](#)