

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to refer sexual harassment complaints against the former Deputy Mayor for Planning and Economic Development and Chief of Staff, and related allegations and concerns arising in the process, to the Inspector General for the District of Columbia, and to require the Inspector General to hire independent counsel for the purposes of such investigations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sexual Harassment Investigation Review Emergency Declaration Resolution of 2023”.

Sec. 2. (a) In March 2023, John Falcicchio, the Deputy Mayor for Planning and Economic Development and Mayor’s Chief of Staff, resigned after a DC government employee filed a sexual harassment complaint against him. Additional allegations by other women ensued. Subsequently, the Mayor’s Office of Legal Counsel (“MOLC”) conducted an internal investigation and published a report of its findings. The MOLC report concluded that “the substantiated allegations against the Deputy Mayor more likely than not constituted sexually harassment as defined and prohibited by the Mayor’s Order 2017-313.” However, the report found that six out of eight allegations were outside the scope of the investigation or could not be substantiated. The findings of the report and the process that led to it raise significant concerns

36 among the public regarding the independence of investigations for mayoral appointees and
37 subordinate agency heads.

38 (b) Emergency legislation is necessary to restore public trust and to reassure District
39 employees that sexual harassment will not be tolerated in the workplace. The public must be able
40 to trust that District employees are being protected, as well as those who engage with
41 government. They should also be confident that public assets are safeguarded and not used for
42 inappropriate purposes.

43 (c) It is also necessary to protect and give confidence to future victims and all 36,000
44 District government employees that their complaints will be taken seriously and handled
45 appropriately and without influence. Without that confidence, some employees will be hesitant to
46 file complaints, depriving themselves of justice and denying fellow employees protection from
47 potential offenders.

48 (d) A more independent investigation of misconduct is necessary to ensure public trust;
49 the Inspector General is the appropriate agency in which investigations of such significance
50 should be housed. The agency operates independently of the Mayor and the Council, with the
51 Inspector General serving six-year terms. The Inspector General has the authority to refer matters
52 for criminal charges and possesses the power to ensure full compliance with investigations.

53 (e) Council concludes that to ensure a robust and independent investigatory process, the
54 Inspector General should hire and direct independent legal counsel to review the MOLC's
55 Summary of Findings from the Sexual Harassment Investigative Report and investigate
56 allegations identified by the complainants that were outside the scope of the MOLC
57 investigation. For example, the report of the first complainant's allegations includes allegations
58 of irregular hiring practices, promotions of employees rumored to have tolerated sexual
59 advances, and bullying that have not been investigated.

60 (f) The Office of the Inspector General is also well-suited within its current capacity to
61 investigate other findings and matters outside the scope of the prior investigations, including
62 hiring and promotion practices, workplace culture, and allegations of retaliation against
63 complainants. The Mayor has requested that the Inspector General look into these matters; the
64 Council supports that request.

65 (g) In Council Period 24, after extensive research and discussion, the Council approved
66 its own sexual harassment policy, which requires independent investigations in cases of formal
67 sexual harassment complaints and in all formal and informal cases when complaints are made
68 against those with the highest level of authority – councilmembers themselves – and even greater
69 attention must be paid. Executive branch employees deserve the same protections.

70 Sec. 3. The Council of the District of Columbia determines that the circumstances in
71 section 2 constitute emergency circumstances, making it necessary that the Sexual Harassment
72 Investigation Review Emergency Act of 2023 be adopted after a single reading.

73 Sec. 4. This resolution shall take effect immediately.