



Mayor's Order 2023-131

Understanding the District Government's Sexual Harassment Policy

Introduction

Sexual harassment violates both the victim and the harmony of the workplace. The District condemns it in the workplace in all forms. In furtherance of the District's commitment to eliminating sexual harassment within the government, the Mayor reaffirmed her administration's pledge to prevent and remediate sexual harassment by issuing [Mayor's Order 2023-131 on October 31, 2023](#). The updated Mayor's Order promotes a safe workplace, enhances protections for the District's workforce, and further advances the District Government's existing sexual harassment law and policy.

This document provides a high-level summary of the District government's sexual harassment policy under Mayor's Order 2023-131. This summary is not an exhaustive list of every administrative element of the policy, nor is it meant to be a replacement for reading and understanding Mayor's Order 2023-131. We strongly encourage a full reading of Mayor's Order 2023-131 to ensure you are aware of the District's expectations for conduct.

Summary of the Mayor's Order

What is Sexual Harassment?

Sexual harassment is defined as:

- i. Any conduct of a sexual nature that constitutes harassment, which is conduct that is direct or indirect, verbal or non-verbal, that unreasonably alters an individual's terms, conditions, or privileges of employment or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
- ii. Sexual harassment also includes "quid-pro-quo sexual harassment," which are sexual advances, requests for sexual favors, or other conduct of a sexual nature where submission to the conduct is made either explicitly or implicitly a term or condition of employment or where submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual's employment.
- iii. Conduct can be considered sexual harassment regardless of whether it is severe or pervasive, and there are no specific number of incidents or a specific level of egregiousness required.
- iv. Examples of conduct that can contribute to, or constitute workplace sexual harassment or an intimidating, hostile, or offensive work environment include but are not limited to:
 - Sex acts.
 - Display of sexual organs.
 - Sexually offensive comments or off-color language, jokes, or innuendo.
 - Sexting.
- v. Even if conduct might not rise to the level of unlawful sexual harassment, the District Government may still treat some conduct of a sexual nature as misconduct. For example, an employee who tends to greet people with a hug may have been warned that the conduct was offensive to some employees and then hugs an employee whom they have not seen in many months. The conduct may not rise to the level of unlawful sexual harassment, but it could constitute misconduct since they had been warned that some employees associate hugging with unwanted sexual contact that is offensive in the work environment.



Prohibitions

The following intraoffice relationships are strictly prohibited:

- Relationships by any supervisor in the “chain of command” with a supervisee;
- Relationships with trainees, recruits, and interns; and
- Where prohibited by professional codes (e.g., doctor/patient, lawyer/client, social worker/client, etc.).

District Government employees shall not participate personally and substantially in particular matters that affect or could affect the financial interests of someone with whom they are in a dating, romantic, or sexual relationship, whether that person is an employee, grantee, contractor, or client of the agency.

Sexual activity of any kind during work hours, regardless of location, is strictly prohibited.

Your agency may have additional rules and procedures consistent with the Mayor’s Order regarding sexual harassment. If you would like more information on your agency-specific policies, contact your agency’s Human Resources staff or General Counsel Office.

Required Disclosures of Existing Relationships

Employees who were participating in a prohibited relationship as of the effective date Mayor’s Order 2023-131 (November 10, 2023), must disclose the relationship to their designated agency official by December 8, 2023. Furthermore, if there is a reasonable likelihood that someone could raise a credible charge that there has been or could be preferential treatment based on a dating, romantic, or sexual relationship that is not in a chain of command, then the employees involved in the dating, romantic, or sexual relationship must also report their relationship to designated agency official. Such reporting is necessary for consideration of whether additional safeguards are necessary and whether the prohibition on relationships based on situational supervision is implicated.

The employee’s agency will evaluate the nature of the relationship and determine a resolution, which may involve providing the employees a reasonable time to find a new position where the relationship is not implicated by Mayor’s Order 2023-131; shifting reporting structures to take the relationship out of a prohibited status; or establishment of recusal structures where the employees do not work in the same agency or division. If no satisfactory resolution of the prohibited relationship can be reached, the persons in a dating, romantic, or sexual relationship may request a waiver of the provision of Mayor’s Order 2023-131.

Waiver requests shall be submitted to the Mayor and shall be accompanied by a recommendation from the agency or agency designee. Agencies may make reasonable efforts to assist with a transfer or reassignment, without prejudicing either employee (or any other employee), but it is not the responsibility of the personnel authority or the agency to restructure their agency operations or find a new position for someone in the relationship. No agency is required to grant a request or application for a transfer.

Notwithstanding waivers which may be afforded to employees in existing relationships at the time of the publication of Mayor’s Order 2023-131, employees shall not start a prohibited relationship.

Reporting Sexual Harassment

All District Government employees are encouraged to help ensure that District Government workplaces are free of sexual harassment. Employees who know of incidents of inappropriate conduct of a sexual nature, as well as behavior that may create an intimidating, hostile, or offensive work environment, or who are victims of inappropriate conduct of a sexual nature, should report the inappropriate conduct.

Each District government agency has a designated primary and alternate Sexual Harassment Officer (SHO) dedicated to handling sexual harassment complaints and investigations. If you ever wish to report sexual harassment, you may file a complaint with a SHO from *any* agency, not just your own. You may also choose to report sexual harassment to your supervisor, manager, the supervisor of an employee who is engaging in misconduct, or to your agency’s General Counsel.



Your agency is required to post the contact information of its designated SHOs in a highly visible area, such as breakrooms. If you wish to report misconduct to a SHO outside of your agency, you may find a list of agency SHOs maintained on DCHR's website at <https://dchr.dc.gov/page/sexual-harassment-officer-list> or receive the list by emailing dchr.sho@dc.gov.

Employees may also file complaints relating to sexual harassment through the Office of Human Rights, Equal Employment Opportunity Commission, any other grievance procedure available to them (including those under a collective bargaining agreement), the Board of Ethics and Government Accountability, or any other applicable process.

Reporting Sexual Harassment for Contractors, Grantees, and Clients of the District Government

The Mayor's Order also protects employees from sexual harassment by contractors, grantees, and clients of District agencies. Employees can report sexually harassing behavior to agency Sexual Harassment Officers, supervisors or managers of the employee engaging in inappropriate conduct, or agency General Counsel. Contractors may be required to use alternate personnel to provide services or agencies can exercise other remedies available, up to and including contract or grant termination. Likewise, the Mayor's Order bars employees in the course of their work from engaging in sexually harassing behavior towards government contractors, grantees or agency clients, and those persons can report any such behavior to SHOs or a range of other persons. If an investigation sustains such inappropriate behavior on the part of an employee, then the employee is subject to disciplinary and other remedial actions.

Sexual Harassment Investigations

Sexual harassment investigations are conducted by agency SHOs. Investigation reports are to be kept confidential to the greatest extent possible. SHOs *do not* make legal conclusions. SHOs *do* collect and weigh evidence, provide their impressions of the credibility of witnesses, and may corroborate, substantiate, or refute factual allegations.

Absent unusual circumstances, agencies have 60 days to complete a sexual harassment investigation.

Allegations of sexual harassment against the Mayor, City Administrator, Mayor's Chief of Staff, Mayor's Senior Advisor, Director of the MOLC, any Deputy Mayor, or any official who directly reports to the Mayor, shall be referred to the Inspector General to determine if the allegation is credible, in which case it shall be referred for independent investigation. Such investigations shall be carried out by an entity outside the District government, and those reports shall be provided to the MOLC (or the City Administrator if the allegation is against the Director of the MOLC) and the Inspector General.

Employee Obligations and Expectations for Conduct

All District government employees are obligated to:

- a) Refrain from engaging in behavior that constitutes sexually harassing conduct;
- b) Refrain from initiating or participating in a prohibited dating, romantic, or sexual relationship;
- c) Affirm their agreement to comply with the Mayor's Order;
- d) Complete annual sexual harassment training;
- e) Cooperate fully in any inquiry or investigation into an alleged violation of the District's sexual harassment policy as defined by the Mayor's Order; and
- f) Refrain from any behavior that may call into question the impartial and harassment-free provision of services to constituents, agency clients or customers, contractors, or grantees.

Supervisors should take particular care to avoid conduct that could lead to allegations of sexual harassment, considering time, place, and situations of interactions with employees.

Discipline

Violations of the Mayor's Order will be handled consistently with the District Personnel Manual and may result in discipline, up to and including removal. A finding of a violation of the Mayor's Order does not entitle a complainant to know what personnel actions were taken against the violator, nor does it entitle a complainant to a monetary award.