**[Department of utilities]**

**INVESTIGATION REPORT**

Sexual Harassment: [Marina Novikova, Michael Steifman]

[Date]

Investigating Agency Point of Contact:

Example Eddie

Sexual Harassment Officer, DCHR

202-999-9999

example.eddie@dc.gov

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# I. Executive Summary

On December 17, 2016, Trevor Isaac reported allegations of sexual harassment. Specifically, Mr. Isaac alleges that Ms. Marina Novikova created a hostile work environment by, among other things, frequently discussing sex acts with Mr. Isaac and other employees, and retaliating against him for reporting the harassment by terminating his employment. After having conducted a thorough investigation, the facts establish that the events alleged by Mr. Isaac are more likely than not true.

# II. Relevant Background

## Agency Background

Provide background about the agency where the alleged incident occurred. Include relevant information about the work environment if applicable.

## Summary of the Complaint

Provide a summary of the allegations being raised by the complainant. This should include how and when the complaint was brought to the agency’s attention and the nature of the allegations.

## [Accused Employee’s] Employment History

Provide a relevant work history of the accused employee. Consider the employee’s history of past positions, promotions, disciplinary actions, or previous incidents on record that may be relevant.

## [Complainant’s] Employment History

Provide a relevant work history of the complainant. Consider the employee’s history of past positions, promotions, and any disciplinary actions or previous incidents on record that may be relevant.

# III. Scope of the Investigation

This section outlines what the allegation was, how it came to the SHO, and the steps the SHO took to investigate the case. The steps taken should be a chronology of events within the investigation, including the date, time, and action taken to further the investigation.

Complete the table by listing all the witnesses interviewed including their Employee ID#, Position Title, and the location of the interview. Add/remove rows in the table as needed.

| **Interviewed Witnesses** | | | |
| --- | --- | --- | --- |
| **Name** | **EMP ID#** | **Position Title** | **Interviewed At** |
| Example Eddy | 00000000 | Example Witness | DCHR |
|  |  |  |  |
|  |  |  |  |

Provide a chronology of events within the investigation in the table below. **Make note of the dates of ALL interviews in the chronology.**

| **INVESTIGATION Chronology** | |
| --- | --- |
| **Date** | **Event** |
| M/DD/YYYY | Add/remove rows as needed |
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|  |  |
|  |  |
|  |  |

# IV. DocumentS and OTHER Physical Evidence

This section lists all of the documents and other physical evidence collected in support of the investigation.

1. *Trevor Isaac Appointment Record,* Personnel Action Record SF-50 (Apr. 1, 2014)
2. *Appointment of Director Michael Steifman*, Mayor’s Or. 2015-01 (Jan. 2, 2015)
3. *Marina Novikova Appointment Record,* Personnel Action Record SF-50 (Mar. 3, 2015)
4. *Mr. Isaac 2013 Evaluation,* Performance Review Documents (Nov. 1, 2014)
5. *Mr. Isaac 2014 Evaluation,* Performance Review Documents (Nov. 1, 2015)
6. *Mr. Isaac 2015 Evaluation,* Performance Review Documents (Nov. 1, 2016)
7. *Mr. Isaac,* Transcribed Interview (Dec. 18, 2016)
8. *Ms. Emily Gadstone,* Transcribed Interview(Dec. 19, 2016)
9. *Ms. Marina Novikova,* Transcribed Interview(Dec. 20, 2016)
10. *Mr. Michael Steifman,* Transcribed Interview(Dec. 21, 2016)
11. *“Something to Put a Smile on Your Face,”* text message to Mr. Isaac from Ms. Novikova (Apr. 5, 2016).

# V. Allegation and list of facts

## Allegations

1. Ms. Marina Novikova and Director Michael Steifman created a hostile work environment in violation of Mayor’s Order 2017-313.
2. Ms. Marina Novikova and Director Michael Steifman retaliated against Mr. Isaac after he reported potential sexual harassment in violation of Mayor’s Order 2017-313.

## List of Facts

The following facts are supported based on the preponderance of the evidence:

1. On April 1, 2014, the D.C. Department of Utilities appointed Trevor Isaac to the position of Employee Relations Manager within the Human Resources Administration. (Ex 1)
2. On January 2, 2015, the Mayor appointed Michael Steifman as the Director for the D.C. Department of Utilities (DDU). (Ex 1)
3. On March 3, 2015, DDU appointed Marina Novikova to the position of HR Officer, supervising DDU’s HR operations. (Ex 2)
4. For fiscal years 2013, 2014 and 2015, DDU rated Mr. Isaac as a “role model” on his annual performance evaluations. (Ex 4, 5 and 6)
5. Based on his performance evaluations, Mr. Isaac is a dedicated to the success of his administration, the agency and the District. (Ex 4, 5 and 6)
6. Mr. Isaac identifies as a gay male. (Ex 7, 2:21-23)
7. Between at least January and April 2016, Ms. Novikova discussed her sexuality with Mr. Isaac and other staff. These discussions occurred, at a minimum, on a weekly basis. In discussing her sexuality, Ms. Novikova would make statements such as “I’m a swinger;” inform employees (including Mr. Isaac) that her and her husband are in an open relationship and her husband has another sexual partner; that Ms. Novikova approves of her son watching porn; and Ms. Novikova would explain, in detail, how to have sex properly (including giving Mr. Isaac instructions on how to properly have “straight” sex.) (Ex 7 at 4:10-15, Ex 8 at 6:2-10, Ex 9 at 7:1-20)
8. Between at least January and April 2016, Ms. Novikova would ask Mr. Isaac about his sexual practices. Among other things, Ms. Novikova would ask Mr. Isaac why he has never been with a woman and what he liked about having sex with other men. (Ex. 7 at 6:2-6, Ex. 8 at 7:1-5, Ex 9 at 15:2-4)
9. On March 22, 2016, Mr. Isaac approached Ms. Novikova to discuss challenges with a project. (Ex 7 and 9).
10. During the March 22, 2016, discussion, Ms. Novikova touched Mr. Isaac in a sexual manner. According to Mr. Isaac, Ms. Novikova hugged him and then “nibbled” on his ear. (Ex. 7) Ms. Novikova denied this specific allegation, but confirmed that she hugged him “tightly” and may have “grasped his butt.” (Ex 9)
11. At the conclusion of the March 22, 2016 discussion, Ms. Novikova made statements similar to “I hope you are not going to sue me.” Mr. Isaac stated that Ms. Novikova used these exact words. (Ex 7). However, Ms. Novikova explained that he protested when she hugged him and that she jokingly responded by saying, “well then, sue me.” (Ex 9).
12. On April 5, 2016, Ms. Novikova sent a text to Mr. Isaac. The text said: “Something to put a smile on your face” with an image of a man reading a book titled “\*ss Eating Made Simple.” (Ex 7, 9 and 11)
13. On April 20, 2016, Mr. Isaac reported Ms. Novikova’s behavior to Director Michael Steifman. Mr. Steifman informed Mr. Issac that he did not have time to address the issue and asked him to work the problem out directly with Ms. Novikova. (Ex 7 and 10)

## Unsubstantiated Assertions

The following assertions were made, but could not be substantiated with the evidence:

1. Mr. Isaac alleges that through 2016, Ms. Novikova reprimanded him for “trivial matters.” In particular, Ms. Isaac asserted that he was directed to leave voice messages with the agency head if he was calling out sick. Both Ms. Novikova and Director Steifman denied this allegation. Moreover, no copies of the alleged voice messages could be retrieved and there is no documentation of any reprimands. (Ex 7, 9, 10)
2. Mr. Isaac asserts that on August 11, 2016, Ms. Novikova used her personal cell phone to show Mr. Isaac an illicit video of a security guard, who was apparently aroused in the video. Ms. Novikova denied this allegation. Moreover, we were unable to retrieve any video matching the description given by Mr. Isaac. Considering Ms. Novikova’s candor throughout this process, we find both witnesses equally credible. In the absence of supporting evidence, this fact has not been established by a preponderance of the evidence.

# VI. Conclusions

Based on the evidence in the record, Mr. Issac’s allegations against Ms. Novikova and Mr. Steifman are **substantiated** in that Ms. Novikova more likely than not created a hostile work environment and Mr. Steifman failed to take action to stop the harassment. However, Mr. Issac’s allegations regarding retaliation could not be substantiated**.**

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| This report reflects the conduct of our investigation and our conclusions based on a preponderance of the evidence. | | |
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