

PERSONAL AND CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

LEGAL MEMORANDUM

To: City of Madison (Attn: Deputy City Attorney - Patricia Lauten)
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From: Atty. Emil Ovbiagele

Date: August 9, 2024

Subject: **Investigation Report – Alder Charles Myadze**

BACKGROUND

In April 2024, this Firm was retained to investigate several allegations of workplace misconduct made by three (3) people associated with the City of Madison (“City”) against Alder Charles Myadze (“Myadze” or “Respondent”), an elected City of Madison official.

The three complaints arise primarily from allegations that Myadze engaged in sexual harassment and inappropriate conduct. Based on these complaints, the City retained this Firm to conduct an independent investigation pursuant to the City’s harassment and discrimination complaint procedures.

We interviewed all three Complainants, two potential witnesses, and Myadze, the Respondent. We also analyzed one written complaint, pertinent City ethics policies (*See Appendix*), and state and federal laws. Contained herein is a comprehensive report and analysis stemming from our investigation into the complaints alleged against Myadze.

THE PARTIES

A. COMPLAINANTS

(1) [REDACTED] (“[REDACTED]”). She filed a written complaint against Myadze in April 2024, alleging that between April and October

2023, Myadze displayed inappropriate sexual behavior and touching, and made comments that made her feel uncomfortable.

(2) [REDACTED] (“[REDACTED]”) is not employed by the City. She currently works as the [REDACTED]. [REDACTED] made a verbal complaint against Myadze alleging that he made numerous inappropriate sexual gestures and advances towards her.

(3) [REDACTED] is currently with the City [REDACTED]. On or around April 1, 2024, [REDACTED] made a verbal complaint alleging that between March 2022 to March 2024, Myadze frequently made inappropriate and sexual comments that caused her discomfort and fear.

B. RESPONDENT

(1) **Alder Charles Myadze.** Alder Charles Myadze (“Myadze”) is the respondent. Myadze is a City alderperson who represents District 18. He was first elected to this position in April 2021. Myadze also works as a machine operator at Continental located in Sun Prairie, Wisconsin.

SUMMARY OF COMPLAINT ALLEGATIONS

The City of Madison received three (3) complaints regarding Myadze’s conduct from one (1) City employee, one (1) elected official and one (1) person not employed by the City. The Complainants and the Respondent work within or closely with the City’s sponsorship of community development. The following are the general complaints as alleged by the Complainants against Myadze, broken down by Complainant:

A. **[REDACTED] Complaint.** [REDACTED] complaint against Myadze alleges that during the [REDACTED] Meeting in Portland, Oregon, held from April 19-21, 2021, she experienced several instances of inappropriate behavior from Myadze. It is alleged that, on multiple occasions, Myadze made unsolicited hugs, personal comments, and physical contact, including grabbing her hand and making her touch his flexed bicep, causing her discomfort. The complaint further alleges that these actions persisted despite her clear indications of discomfort and attempts to distance herself.

According to [REDACTED] these interactions left her feeling unsafe and distressed, prompting her to take measures to avoid him at future events. She reported these experiences as acts of sexual harassment, citing his repeated unwelcome advances and inappropriate comments. She alleges

that the ongoing nature of his behavior has significantly impacted her sense of safety and comfort in professional settings. (See *Appendix A*, [REDACTED] Written Complaint)

B. [REDACTED] **Complaint.** [REDACTED] often encountered Myadze at events hosted by the [REDACTED]. According to [REDACTED] she alleges that between May 2022 to November 2023, Myadze made inappropriate sexual advances and comments towards her, which she rebuffed. [REDACTED] stated that these incidents culminated in a heated confrontation at a bar, leading [REDACTED] to cease all communication with him and avoid him at community events.

C. [REDACTED] **Complaint.** [REDACTED] alleges that during the 2022 [REDACTED] Conference, Myadze made several inappropriate and sexually charged comments towards her, which continued in one-on-one settings. [REDACTED] recalled confiding in colleagues but felt hesitant to confront him [REDACTED].

In April 2022, [REDACTED] alleges that Myadze locked her in his car and forcefully confronted her about rumors of his inappropriate behavior, making her feel intimidated and scared. Despite Myadze's claims [REDACTED] stated that the interaction left her feeling unsafe. According to [REDACTED] these experiences significantly impacted her sense of safety and professional relationship with Myadze.

INVESTIGATION PROCESS

A. Interviews Conducted.

Upon reviewing the written complaint, this Firm interviewed the Complainants and the Respondent. One potential witness, [REDACTED] [REDACTED] from [REDACTED] had no information or statements regarding Myadze's alleged inappropriate behavior. Another potential witness, [REDACTED] ("[REDACTED]") was contacted because his name was mentioned by two Complainants and Myadze as a witness to the events involving the alleged inappropriate behavior by Myadze.

Below are the names of the individuals, their titles, and the date on which the interviews were conducted:

- (1) [REDACTED] June 6, 2024);
- (2) [REDACTED] June 6, 2024);
- (3) [REDACTED]
- (4) [REDACTED]
- (5) Charles Myadze, *District 18 Alderperson* (June 26, 2024); and
- (6) [REDACTED] July 23, 2024).

B. Policies, Standards, and Laws Considered.

After reviewing the written complaint and conducting investigative interviews, we considered the following policies and laws in relation to the allegations asserted against the Respondent:

(1) The City of Madison Administrative Procedure Memorandum No. 3-5: Prohibited Harassment and/or Discrimination Policy (APM 3-5) (attached as Appendix B).

- Policy APM 3-5 aims to provide all employees with a work environment that is welcoming, safe, fair, and free of harassment, discrimination, and retaliation. Therefore, all employees must “treat their colleagues and members of the public in a welcoming, fair, respectful, and equitable manner.” The following are prohibited behaviors under APM 3-5:

Covered Behaviors

We expect all employees to treat their colleagues and members of the public in a welcoming, fair, respectful, and equitable manner. The following behaviors are prohibited under this policy: discrimination, harassment, retaliation, hazing, quid pro quo or other types of sexual harassment, micro-aggressions (subtle acts of exclusion), and creating a hostile work environment due to protected class. See the APM 3-5 Resource Guide for definitions of these behaviors as well as a full list of protected classes.

Scope

This policy applies to the delivery of city services and the official interactions between city employees as well as community members. This policy applies to all employees delivering city services: permanent, seasonal, temporary, contracted, lead-workers, supervisors, managers, and Department/Division Heads. It also applies to our clients, independent contractors, visitors, and vendors who have interactions with the City and our customers. This policy applies to conduct that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, and any social media or online platforms.

APM 3-5 Resource Guide (attached as Appendix C) defines the following behaviors:

- **Harassment** includes “unwelcome severe, pervasive, or persistent conduct that unreasonably interferes with an employee’s work performance or conduct that is severe or pervasive enough to create a hostile work environment or conduct that directly affects an employee’s condition of employment.” APM 3-5 Resource Guide, pg. 2.

This definition encompasses a wide range of behaviors, including actions that may not be continuous but are significant enough in a single instance (severe) or occur repeatedly

over time (pervasive or persistent). The key aspect of harassment is its ability to disrupt the work environment or employment conditions through its severity or frequency.

- **Hostile Work Environment** is defined under APM 3-5 to mean offensive, abusive, or unwelcomed conduct which is severe or pervasive enough that it alters the conditions of employment or creates a work environment that a reasonable person would find offensive, hostile, or intimidating. APM 3-5 Resource Guide, pg. 2.

This definition emphasizes the impact of the conduct on the overall work environment rather than specific employment conditions. The reasonable person standard is applied to determine if the behavior would be considered offensive, hostile, or intimidating by others in a similar situation, ensuring an objective evaluation of the conduct in question.

- **Sexual Harassment** includes “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Ex: the repeated [REDACTED] of unsolicited, inappropriate gestures or comments; the display of sexually graphic materials not necessary for work purposes; preferential treatment or the promise of preferential treatment in return for submitting to or engaging in sexual conduct; or repeatedly [REDACTED] someone for a date after having been turned down. Such conduct is considered a violation of this policy when:
 - A. Submission to such conduct is made openly or by implication a term or condition of an individual’s employment; or
 - B. Submission to or the rejection of such conduct by an individual is used as a basis for employment decisions affecting that person; or
 - C. Such conduct is patently offensive and unreasonably interferes with the individual’s work performance or creates an intimidating, hostile or offensive work environment.” APM 3-5 Resource Guide, pg. 5-6.
- Under APM 3-5, **Prohibited (Unlawful) Harassment** is “where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive and the conduct is motivated, at least in part, by the employee’s membership in a protected class. Examples include verbal abuse, epithets, and vulgar or derogatory language, display of offensive cartoons or materials, mimicry, lewd or offensive gestures and telling of offensive jokes motivated by a person’s membership in a protected class. The behavior can be any of the three following subcategories: ‘quid pro quo’ the request for sexual favors in exchange for some other favorable employment action or in exchange for the promise to refrain from [REDACTED]

negative employment action, 'hostile environment' coworker to coworker behavior composed of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or create an offensive and hostile work environment, and finally, 'Respondent superior' which occurs whenever a Department/Division Head, manager or supervisor, engages in any act of harassment. Harassment becomes a violation of this policy whenever an employee engages in any of the activities described above or in any similar behavior based upon a person's membership in a protected class." APM 3-5 Resource Guide, pg. 3.

- The key difference between sexual harassment and other forms of harassment or hostile work environment is its specific focus on sexual nature and the conditions under which it violates policy. Sexual harassment includes not only the creation of a hostile environment but also situations where submission to or rejection of sexual conduct impacts employment decisions.

(i) Applicable Standard of Proof and Criteria

Under APM 3-5, investigators are required to use the reasonable person standard to evaluate if a policy violation has occurred. Further, evidence is to be evaluated under the preponderance of the evidence standard. APM 3-5 Resource Guide, pg. 13.

- **Preponderance of the Evidence Standard:** The legal standard used to determine if a policy violation has occurred is the preponderance of the evidence standard. Under the preponderance standard, "the burden of proof is met when the Complainant demonstrates enough evidence to the investigators that there is a greater than 50% chance the policy was violated." APM 3-5 Resource Guide, pg. 3.
- **Reasonable Person Standard:** The reasonable person standard is one aspect of criteria used to determine whether any type of harassment occurred in a work environment. "The reasonable person standard aims to avoid the potential for parties to claim they suffered workplace discrimination when most people would not find such instances offensive if they themselves were the subject of such acts. It is an objective standard with consideration given to the context in which the alleged harassment took place and the victim's perspective." APM 3-5 Resource Guide, pg. 5.
- **Basis of Determination:** To determine whether an employee violates APM 3-5, investigators consider: (1) whether an action relates to a protected class, such as sex and physical appearance; and (2) whether a negative behavior or consequence, such as harassment or a hostile work environment relates to the protected class(es). APM 3-5 Resource Guide, pgs. 8-9.

(ii) **Summary of Pertinent APM 3-5 Covered Conduct**

In summary, **Harassment** under APM 3-5 is broad and includes severe, pervasive, or persistent conduct that disrupts work performance or employment conditions. **Hostile Work Environment** focuses on conduct that significantly alters the work environment, [REDACTED] it offensive or intimidating, as judged by a reasonable person. **Sexual Harassment** specifically pertains to unwelcome sexual behavior that can impact employment conditions or create a hostile work environment.

2. Pertinent Wisconsin Employment Laws – Sexual Harassment.

Section 111.36(1) of the Wisconsin Statutes outlines the actions that constitute employment discrimination based on sex. These actions include engaging in sexual harassment or [REDACTED] acquiescence to sexual harassment a term or condition of employment. Furthermore, it prohibits [REDACTED] submission to or rejection of sexual harassment the basis for any employment decision affecting an employee, except when such a decision is a disciplinary action against the employee for engaging in sexual harassment. The statute also considers permitting sexual harassment to substantially interfere with an employee’s work performance or to create an intimidating, hostile, or offensive work environment as discriminatory. The standard for determining substantial interference or the creation of a hostile work environment is whether a reasonable person under similar circumstances would find the conduct severe or pervasive enough to interfere substantially with work performance or to create such an environment (Wis. Stat. § 111.36(1)).

Section 111.32(13) defines “sexual harassment” as including unwelcome sexual advances, requests for sexual favors, physical contact of a sexual nature, or verbal or physical conduct of a sexual nature. This includes conduct directed at an individual of the same or opposite gender. Specific examples provided include the deliberate, repeated [REDACTED] of unsolicited gestures or comments of a sexual nature, the repeated display of offensive sexually graphic materials not necessary for business purposes, and any deliberate verbal or physical conduct of a sexual nature that is sufficiently severe to interfere substantially with an employee’s work performance or to create an intimidating, hostile, or offensive work environment (Wis. Stat. § 111.32(13)).

The elements of a sexual harassment claim under federal law (i.e. Title VII) are also the elements of a sexual harassment claim under the Wisconsin Fair Employment Act, Wis. Stat. §§ 111.32(13) and 111.36(1)(b). *Zabkowitz v. West Bend Co.*, 589 F.Supp. 780, 784 (E.D. Wis. 1984).

3. Pertinent Federal Laws – (Title VII of the Civil Rights Act of 1964).

A sexual harassment claim under Title VII requires that an aggrieved employee show that: (1) their work environment was objectively and subjectively offensive, (2) the harassment they complained of was based on their gender, (3) the conduct was so severe or pervasive as to alter

the conditions of employment and create a hostile or abusive [REDACTED] environment, and (4) there is a basis for employer liability. *Snyear v. Fare Foods Corp.*, 911 F.3d 874, 880 (7th Cir. 2018).

Under federal law, sexual harassment amounts to “[u]nwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive [REDACTED] environment.” 29 C.F.R. § 1604.119(a).

Verbal comments may amount to sexual harassment when they are “sufficiently offensive and frequent,” not “isolated and sporadic.” *Park v. Pulsarlube USA, Inc.*, 209 F. Supp. 3d 1034 (N.D. Ill. 2016). Additionally, a hostile work environment can be defined as “[w]hen the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive [REDACTED] environment.” *Barrett*, 704 F. Supp. 2d at 754 (quoting *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21, 114 S. Ct. 367, 126 L.Ed.2d 295 (1993)).

To determine whether a sexual harassment claim is legally sufficient, the Equal Employment Opportunity Commission reviews the facts as a whole and at the totality of the circumstances by considering “the nature of the sexual advances and the context in which the alleged incidents occurred.” 29 C.F.R. § 1604.119(b).

Courts have also often noted that in deciding whether a reasonable person would find a complainant’s work environment hostile or abusive, one must look at all the circumstances. These circumstances may include the frequency of the conduct, its severity, its duration, whether it was physically threatening or humiliating, and whether it unreasonably interfered with the complainant’s work performance. No single factor is required in order to find a work environment hostile or abusive. See *Faragher v. City of Boca Raton*, 524 U.S. 775, 787-788 (1998); *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 23 (1993); SEVENTH CIRCUIT MODEL CIVIL JURY INSTRUCTIONS § 3.04 Committee Comments (2021).

Conduct that amounts only to ordinary socializing in the workplace, such as occasional horseplay, sexual flirtation, sporadic or occasional use of abusive language, gender related jokes, and occasional teasing, does not constitute an abusive or hostile environment. One should consider all the circumstances and the social context in which the conduct occurred. Only conduct amounting to a material change in the terms and conditions of employment amounts to an abusive or hostile environment. SEVENTH CIRCUIT MODEL CIVIL JURY INSTRUCTIONS § 3.04.d. Committee Comments (2021).

It is important to note that Title VII does not prohibit all verbal or physical harassment in the workplace. In *Oncala v. Sundowner Offshore Services, Inc.*, 523 U.S. 75, 118 S.Ct. 998 (1998), the Supreme Court clarified that not every instance of inappropriate behavior amounts to actionable sexual harassment under Title VII. The court in *Koelsch v. Beltone Electronics Corp.*, 46 F.3d 705 (7th Cir. 1995), noted that isolated and minor incidents of questionable conduct generally do not meet the threshold for sexual harassment. Similarly, in *Baskerville v. Culligan International Co.*, 50 F.3d 428 (7th Cir. 1995), the court explained that occasional vulgar banter or coarse jokes typically do not create a work environment that a reasonable person would find intolerable.

Nevertheless, the presence of relatively few incidents does not automatically preclude a sexual harassment claim from proceeding to trial. For example, in *Hostetler v. Quality Dining, Inc.*, 218 F.3d 798 (7th Cir. 2000), and *Smith v. Sheaban*, 189 F.3d 529 (7th Cir. 1999), the Seventh Circuit reversed summary judgments for the defendants because the alleged conduct, though limited in frequency, was severe enough to potentially create a hostile work environment. These cases illustrate that even isolated incidents, if sufficiently severe, can be actionable under Title VII.

C. Investigation Goals.

The goal of the investigation was to answer the following questions based on the complaints and the findings of the investigation:

1. Did Myadze’s conduct violate APM 3-5 with regards to each Complainant?
2. Did Myadze’s conduct violate any state or federal employment laws with regards to each Complainant?

SUMMARY OF INVESTIGATIVE INTERVIEWS

A. [REDACTED] Interview - June 6, 2024

- ❖ **Background.** [REDACTED] works as [REDACTED]. She routinely interacts with alders in this role. She first met Myadze in 2021. [REDACTED] filed a written complaint on April 25, 2024.
- ❖ **Specific Dealings with the Respondent.**
 - *April 2022:* From April 19-21, 2022, [REDACTED] attended the [REDACTED] in Portland, Oregon, along with a small group of Madison colleagues, including Myadze and [REDACTED]. On April 19th, while walking in the hotel, [REDACTED] states that Myadze surprised her from behind, whispering “hello there” in her ear and attempting to give her a hug, which she did not reciprocate. According to [REDACTED] after shaking hands, Myadze

grabbed and touched her earring, complimenting them. [REDACTED] stepped back, and remembers feeling uncomfortable, and not reciprocating his gesture.

During the keynote presentation, Myadze reportedly sat next to [REDACTED] and talked to her the entire time, despite her attempts to ignore him. At a buffet lunch, he appeared next to her again, asking, “so you’re not here with your boyfriend?” [REDACTED] ignored the question and tried to distance herself from Myadze. [REDACTED] felt that Myadze was watching her as it could not be a coincidence that they kept running into each other at such a large conference. For the remainder of the conference, she ate alone at restaurants to avoid him.

On the last night of the conference, [REDACTED] had to walk past the hotel bar where Myadze and [REDACTED] were sitting. She went over to say hi, sitting next to Myadze with [REDACTED] on his other side. She wasn’t drinking and remembers the small talk turned uncomfortable when Myadze pointed out her sweating armpit and said, “you need to relax and take it easy.” According to [REDACTED] Myadze then grabbed her arms, made her squeeze his flexed biceps, and laughed. [REDACTED] noted that [REDACTED] laughed as well. She recalls feeling uncomfortable, pried her arm free, and said “wow” four times before stating she needed to go.

According to [REDACTED] Myadze then asked to share a cab to the airport with her, but she declined. He asked for her number, which she gave him to get out of the situation quickly. She stated that she was nervous about the possibility that Myadze might follow or text her, so she hurried to the elevator. Before she got there, Myadze had already texted her saying, “I always enjoy talking with you” to which she simply responded, “thanks.”

- *October 28, 2023:* At an [REDACTED] event in late 2023, [REDACTED] stated that she told a colleague, [REDACTED] from the Department of Civil Rights that Myadze liked to sit next to her at events and asked her colleague to sit beside her instead. When Myadze showed up, he sat behind [REDACTED]
- *November 14, 2023:* During the interview, [REDACTED] also recalls Myadze sitting behind her and commenting generally about [REDACTED] physical appearance at the [REDACTED] event.

B. [REDACTED] Interview - June 6, 2024

- ❖ **Background.** [REDACTED] has served as the [REDACTED] a non-profit [REDACTED] clinic since July 2021. In this role, she is involved in collective action, collaboration, and grants. [REDACTED] is also a community health impact leader in Madison and a

member of the [REDACTED] which organizes many fundraising events in Myadze's district. She recalls first meeting Myadze in early 2021, when Myadze was dating her friend, [REDACTED]

❖ **Specific Dealings with the Respondent.**

- *May 2022:* According to [REDACTED] while working for her organization, [REDACTED] at Madison's Brat Fest, Myadze spoke with [REDACTED] and made her feel uncomfortable by making weird faces and sticking his tongue out sexually. When [REDACTED] questioned his behavior while trying to laugh it off, [REDACTED] alleges that Myadze responded saying, "you know you want this." She firmly told him, "Charles, you will never have a chance with me."
- *November 2023:* [REDACTED] [REDACTED] [REDACTED] was nominated for a [REDACTED]. She attended the award ceremony where Myadze was also present. After the award ceremony many attendees, including elected officials, went to the bar, Bierock. [REDACTED] attended with her employee [REDACTED]. According to [REDACTED] Myadze offered to buy her a drink, and she accepted. She alleges that he then began speaking to her in a sexually inappropriate manner, sticking his tongue out and saying, "I cannot wait to take you to your bed and have sex with you, I can see you rolling your eyes having an orgasm." [REDACTED] asserts that she told him to stop, but he replied, "you know you want this," before walking away.

[REDACTED] alleges that Myadze then went to talk to [REDACTED] and [REDACTED] and told them, "let's talk about something else because all she [REDACTED] talks about is sex." According to [REDACTED] she became upset and yelled, "what are you saying?" and "what the fuck are you doing?" Myadze reportedly responded by abruptly stopping and saying, "I don't have time for this," and left without his jacket or wallet.

C. [REDACTED] [REDACTED] Interview - June 13, 2024

- ❖ **Background.** [REDACTED] first met Myadze virtually in 2021, and they did not meet in person until 2022 due to the COVID-19 pandemic. When contacted to participate in this investigation, she expressed confusion, stating she has never witnessed any troubling behavior from Myadze. While she was aware that complaints had been made about his behavior, she did not know the details of these complaints.
- ❖ **Other Information.** [REDACTED] shared that she is a [REDACTED] and a strong advocate for victims. She emphasized that if she had ever observed any troubling behavior from Myadze, she would have reported it immediately.

D. Alder [REDACTED] Interview- June 17, 2024

❖ **Background.** [REDACTED] She first met Myadze in [REDACTED] shortly after being [REDACTED] initially through Zoom meetings within her first two weeks [REDACTED]. Their relationship was cordial as she sought to build connections, primarily interacting with him online and having limited in-person interactions. She made a verbal complaint on April 1, 2024.

❖ **Specific Dealings with the Respondent.**

- o *March 2022:* During the [REDACTED] Conference from March 13-17, it is alleged that several incidents occurred that made [REDACTED] uncomfortable. On March 14th, upon [REDACTED] arrival, Myadze allegedly looked her up and down, commenting, “damn [REDACTED] you look good, you really know how to clean up.” He also purportedly insinuated a sexual relationship between her and [REDACTED] her predecessor in [REDACTED] who lived in Washington D.C. and who [REDACTED] was staying with. Despite her firm denials, [REDACTED] stated that Myadze continued making suggestive remarks, saying, “Haha I know what you’re doing with him, wink wink,” which she brushed off.

The following day, March 15th, [REDACTED] wore a moderately low cut red jumpsuit and open-toed heels. Myadze allegedly commented, “you’re wearing open-toed shoes, I bet you’re wearing a lot less at [REDACTED] place,” and advised her to “put those [boobs] away and save them for [REDACTED]” [REDACTED] asserts that these comments were made in private settings and ceased when other [REDACTED] were around but resumed later at a bar after a reception.

During a dinner at an Ethiopian restaurant with [REDACTED] and Myadze, [REDACTED] mentioned to [REDACTED] that Myadze’s comments throughout the conference were uncomfortable, and [REDACTED] agreed.

[REDACTED] confided in [REDACTED] and [REDACTED] about these incidents, seeking advice. [REDACTED] reportedly suggested confronting Myadze directly, but [REDACTED] feeling hesitant due to [REDACTED], was unsure and decided to not say anything.

- o *April 7, 2022:* [REDACTED] stated that Myadze picked her up from [REDACTED] Street to discuss chemical emissions while giving her a ride to her destination on [REDACTED] Street. According to [REDACTED] Myadze locked the car doors before driving off and then confronted her, referencing rumors about her comments regarding his behavior, denying any inappropriate advances, and emphasizing his stance against sexual assault allegations. He reportedly stated, “I heard you were making comments about me talking and hitting

on you and coming at you and I wouldn't do that, I do not play with sexual assault and assault allegations in general." [REDACTED] stated that he then forcefully asserted, "If I ever hear you say anything like that again, you and me are done," and remarked that he [REDACTED] which, combined with the locked doors, made her feel "frozen" and fearful of repercussions if she spoke out.

Despite maintaining a professional relationship afterward, [REDACTED] stated that Myadze continued to reference their car conversation, stating he is now going to keep his distance from [REDACTED]

- ❖ **Other Information.** At the [REDACTED] Conference in March 2024, [REDACTED] stated that she witnessed Myadze making inappropriate comments about women attendees.

E. Alder Charles Myadze Interview- June 26, 2024

- ❖ [REDACTED] **Complaint.** Myadze identified [REDACTED] as "a City employee" and mentioned that he first met her at the [REDACTED] Conference. When questioned about whether they had any personal relationship outside of [REDACTED] the City of Madison, he stated, "We shared a few drinks at a bar."
 - o Myadze confirmed his attendance at the 2022 [REDACTED] conference, saying, "Yes, [REDACTED] [REDACTED] asked me to attend. [REDACTED] and [REDACTED] were at the bar, I believe that is it." He recalled his interactions with [REDACTED] at the conference, mentioning, "I remember she was telling me about her dad, her dad getting her a job at [REDACTED] I remember her being married and being pregnant." He noted that while conversing with him and [REDACTED] at the bar, [REDACTED] left to go upstairs while he stayed downstairs with [REDACTED] When asked if he remembered allegedly asking to share a cab with [REDACTED] Myadze replied, "I don't recall leaving at the same time, I don't remember sharing a cab with her." He also mentioned that he did not have her phone number, stating, "Uhm I don't have her phone number. I give out a lot of cards. I have her dad's number." When asked if he recalled texting her during the conference, he said, "Uhm I don't recall."
 - o Myadze was asked if he recalled any instances where [REDACTED] felt uncomfortable with how he was hugging her. He responded, "No I don't recall her telling me she felt uncomfortable, I don't recall if I hugged her." He denied allegedly touching her earring or ears or whispering "hello there" in her ear.
 - o When questioned if he inquired why she was not at the conference with her significant other, Myadze replied, "No I don't recall, I remember her telling me

about her husband and telling me...I remember us just having a general conversation. I don't recall grabbing her ear or nothing like that." He also denied any reported physical interaction, saying, "No, at the bar there was space. We were on stools; [REDACTED] was on the right-hand side."

- o Regarding conversations about going to the gym or [REDACTED] working out, he said, "No I don't recall, like I said it was a bar setting I don't recall, I thought it was a friendly conversation." He also firmly denied allegedly making [REDACTED] squeeze his biceps. He reiterated that he did not recall her touching him, explaining, "I don't recall her touching me, there was space between us, conversation was friendly, talked for one (1) hour, talked about her dad and work she does." When asked how many drinks he had at the time, Myadze stated that he had two (2). He was further questioned about whether the incident of reportedly forcing [REDACTED] to touch his biceps happened or if he just didn't recall, to which he responded, "It didn't happen. I wouldn't tell somebody especially knowing their dad, it doesn't sound like something I'd do no matter how many drinks I've had. It was a normal conversation about the nice hotel."

❖ **[REDACTED] Complaint.** Myadze identified [REDACTED] as a person associated with [REDACTED]. Myadze stated he first met [REDACTED] in 2021 when she requested a fire truck for an event on Sherman Avenue. He mentioned that she knew many people he also knew. When asked about [REDACTED] he confirmed knowing her and dating her. Myadze acknowledged that [REDACTED] and [REDACTED] are friends and noted that he could provide documentation showing when [REDACTED] first reached out to him.

- o When asked if he attended Madison's Brat Fest in May 2022, he confirmed, "Yes, I went there with my girlfriend. I was supposed to work that event but it got rained out." However, he did not recall having any alleged conversations with [REDACTED] at Brat Fest noting, "I don't recall, sorry that was May 2022. I know her, she reached out to me when she needed a fire truck for [REDACTED] on Sherman Avenue so I was able to get a fire truck there, but I don't remember talking to her at Brat Fest." Myadze firmly denied making any reported sexual advances towards [REDACTED].
- o Myadze recalled attending the [REDACTED] Award event in November 2023, as he was asked to hand out awards. After the event, he stated that he went to a bar where [REDACTED] was present. He recounted, "I recall [REDACTED] telling me that she knows people that I slept with. She kept making sexual conversations and I asked her to 'please stop.'" Myadze stated that he ordered food and drinks at the bar, and [REDACTED] talked to [REDACTED] saying, "Charles and I are talking about sex and how he licks his lips." Myadze asserted that he asked [REDACTED] to stop discussing sexual topics,

which led him to abruptly leave the bar. Myadze stated that [REDACTED] then ate the food and drinks that he left behind at the bar.

- o Myadze then noted that [REDACTED] sexual behavior continued in front of his girlfriend, [REDACTED] at various events. At [REDACTED] White Party at the McKenzie Center, Myadze recalled, “I experienced her [REDACTED] in front of my girlfriend, she would take her hand and drape it over me, rubbing it on my chest in front of my girlfriend.” Myadze stated that [REDACTED] also made a comment to his girlfriend, stating “if he doesn’t treat you right let me know.”
- o When asked about the reported text communications with [REDACTED] Myadze confirmed that she had texted him about attending events and thanked him for his support of her [REDACTED]. He asserted there were no inappropriate texts from his side and that the only inappropriate statements were what [REDACTED] allegedly said to him in public.
- ❖ **[REDACTED] Complaint.** Myadze first met [REDACTED] in [REDACTED] when she sought his assistance [REDACTED] having had no prior interactions with her. He described their interactions as “very controversial” due to policy disagreements, such as his support for police body cameras and a dispute over alderman pay. Myadze emphasized that he never had a personal relationship with [REDACTED] maintaining that he was always cordial and respectful towards her.
 - o Myadze recounted learning about an accusation [REDACTED] made about him a year ago, as informed by [REDACTED]. Myadze found out that [REDACTED] claimed he was being “too friendly” towards her. Myadze stated that he confronted [REDACTED] about this at the 2023 [REDACTED] Conference in Green Bay, in the presence of [REDACTED]. When the group of [REDACTED] were engaged in a discussion about forming a black caucus, Myadze asserts that he confronted [REDACTED] about the rumors and stated his preference to handle business matters strictly. Myadze stated this was the first time he confronted her about allegations and rumors and “from my recollection I think that was the only time. I try to address things when they happen so when she said we should work together I said I can’t because of rumors I’ve heard.” Myadze stated that [REDACTED] apologized and sent him a text saying, “it wouldn’t happen again,” which he stated that he still has a copy of.
 - o Regarding the 2022 [REDACTED] Conference in Washington D.C., Myadze confirmed that both he and [REDACTED] attended, along with [REDACTED]. He denied having any alleged one-on-one interactions with [REDACTED] stating all conversations were in group settings and focused on conference-related topics.

Myadze denied making the alleged comment on March 14th, “damn [REDACTED] you look good, you really know how to clean up,” and stated he does not make comments on others’ appearances.

- o When asked if Myadze knew where [REDACTED] was staying during the conference, he claimed he did not know where she was staying, and he only learned that she was staying with [REDACTED] after she mentioned it. He denied making any insinuations about a sexual relationship between [REDACTED] and [REDACTED] stating, “no, I don’t recall making that comment I know she told me that he was with somebody and that they were generous for letting her stay with them.” Myadze also denied making any reported inappropriate comments about [REDACTED] red jumpsuit on March 15th, such as remarks about her cleavage or open-toed shoes.
- o Regarding the alleged incident with [REDACTED] in his car on April 7, 2022, Myadze recalled picking [REDACTED] up because she did not have a vehicle. He confirmed picking her up from [REDACTED] street and dropping her off on [REDACTED] Street. Myadze denied confronting her in the car about allegations or rumors, stating the only confrontation occurred at the Green Bay [REDACTED] Conference.
- o Regarding the [REDACTED] conference in 2024, Myadze mentioned other attendees, including [REDACTED] [REDACTED] and [REDACTED]. He acknowledged having dinner with them as well as [REDACTED] and [REDACTED]. Myadze denied making any alleged sexual comments about women or any comments that could be construed as inappropriate, noting that discussions during meals were varied and not focused on such topics.

F. [REDACTED] Interview- July 23, 2024

- ❖ **Background.** [REDACTED] who has been working as the [REDACTED] for the [REDACTED] since October [REDACTED] has been mentioned as a witness to Myadze’s conduct in [REDACTED] and [REDACTED] complaints.
- ❖ **[REDACTED] Complaint.** [REDACTED] confirmed that he knows [REDACTED] professionally as she has been the [REDACTED] for about three years. [REDACTED] confirmed that they interacted at the 2022 [REDACTED] conference, where Myadze, [REDACTED] and [REDACTED] spoke at the bar in the hotel lobby. [REDACTED] stated that he was consuming alcohol, but Myadze and [REDACTED] were not. [REDACTED] did not report anything unusual or concerning about the groups’ interactions and conversations.

- ❖ **Complaint.** [REDACTED] confirmed knowing [REDACTED] whom he met through social circles in 2018 or 2019. [REDACTED] confirmed that he attended the 2023 [REDACTED] ceremony. After the ceremony, he confirmed that a group of individuals went to a local bar for an after party. [REDACTED] stated that he approached the conversation Myadze and [REDACTED] were having where [REDACTED] reportedly mentioned to the group that Myadze was looking at her in “some type of way.” [REDACTED] stated that Myadze decided to leave the bar as he did not want to discuss sexual topics any further. [REDACTED] stated that [REDACTED] attempted to involve her coworker in the conversation, but the coworker denied any misconduct by Myadze. [REDACTED] could not remember the name of this coworker. He then stated that [REDACTED] began exerting “power dynamics” over her coworker, though the coworker maintained that nothing inappropriate occurred between Myadze and [REDACTED]. [REDACTED] asserted that Myadze then left the bar, leaving behind his keys and food. [REDACTED] stated that Myadze likely had a beer, while [REDACTED] had 1-2 drinks. He also noted that drinks were consumed at the awards ceremony prior to this interaction at the bar.

CREDIBILITY ASSESSMENTS

The following assessments consider corroboration, consistency, admittance of uncertainty, potential bias, and the overall reliability of each witness’s testimony, supported by specific examples from the investigative interviews.

- A. [REDACTED] [REDACTED]
 1. **Corroboration:** While there are no direct witnesses to the specific incidents [REDACTED] describes, her actions, such as avoiding Myadze and eating alone at the conference, are consistent with her claims of feeling uncomfortable.
 - *Example:* [REDACTED] decision to eat alone to avoid Myadze aligns with her assertion that his behavior made her feel uncomfortable and watched.
 2. **Consistency:** [REDACTED] account of the [REDACTED] conference incidents remained detailed and consistent throughout her interview.
 - *Example:* She consistently described the incident where Myadze grabbed her earring and made comments about her physical appearance, matching her written complaint.
 3. **Admittance of Uncertainty:** [REDACTED] admitted when she was unsure about specific details, which enhances her credibility.
 - *Example:* She admitted she could not recall the exact wording of all of Myadze’s comments but was clear on the nature and context of the interactions.

4. **Potential Bias:** [REDACTED] appears to have no personal interest in the outcome beyond seeking a resolution to her complaint.
 - o *Example:* There is no indication that [REDACTED] had any prior conflicts or personal issues with Myadze that would bias her statements.
5. **Overall Reliability:** [REDACTED] detailed and consistent narrative, coupled with her admittance of uncertainty, makes her a credible witness.

B. [REDACTED]

1. **Corroboration:** [REDACTED] accounts are partially corroborated by [REDACTED] although there are some discrepancies.
 - o *Example:* [REDACTED] confirmed the interaction at the bar after the [REDACTED] ceremony, though his recollection of the details differed slightly.
2. **Consistency:** [REDACTED] narrative remained consistent, particularly regarding the nature of Myadze's comments and her reactions.
 - o *Example:* [REDACTED] consistently described Myadze making sexually explicit comments and her firm rejection of these advances.
3. **Admittance of Uncertainty:** [REDACTED] clearly stated when she could not recall specific details, adding to her credibility.
 - o *Example:* She was upfront about not remembering all the exact words used by Myadze but was clear about the context and her feelings.
4. **Potential Bias:** [REDACTED] previous personal connection to Myadze through a mutual friend might introduce some bias, but this is not significantly evident in her statements.
 - o *Example:* Although she knew Myadze through [REDACTED] there is no strong evidence suggesting that this relationship influenced her complaints.
5. **Overall Reliability:** Despite potential bias, [REDACTED] consistent and clear recounting of events makes her a credible witness, though slightly less so than [REDACTED]

C. [REDACTED]

1. **Corroboration:** [REDACTED] statements are not directly corroborated by other witnesses, and she could not provide relevant information about the specific conduct complained of by the other Complainants.
 - o *Example:* [REDACTED] consistently stated she never witnessed any troubling behavior from Myadze and would have reported it if she had.
2. **Consistency:** Her statements were consistent, emphasizing her lack of direct knowledge of the alleged behavior.

- *Example:* ██████████ clearly expressed her awareness of complaints against Myadze but did not know the details, aligning with her role and limited interactions.
 - 3. **Admittance of Uncertainty:** ██████████ readily admitted her lack of detailed knowledge regarding the complaints.
 - *Example:* She was honest about her limited information on the specific incidents.
 - 4. **Potential Bias:** ██████████ has no apparent personal interest in the outcome, adding to her credibility.
 - *Example:* There is no indication that ██████████ had any prior conflicts or personal issues with Myadze that would bias her statements.
 - 5. **Overall Reliability:** ██████████ consistent and unbiased statements make her a reliable witness for providing context, though she does not directly corroborate the allegations.
- D. ██████████ ██████████
- 1. **Corroboration:** ██████████ statements are not directly corroborated by other witnesses but are consistent with her professional relationship with Myadze.
 - *Example:* ██████████ recounting of the incidents at the Washington D.C. conference aligns with her timeline and interactions with Myadze.
 - 2. **Consistency:** ██████████ account was detailed and consistent, especially regarding specific incidents and subsequent actions.
 - *Example:* She consistently described the inappropriate comments about her red jumpsuit and the confrontation in Myadze's car.
 - 3. **Admittance of Uncertainty:** ██████████ admitted when she was unsure about details, particularly regarding her feelings and perceptions.
 - *Example:* She was clear about feeling “frozen” and fearful during the car confrontation but admitted she could not recall every detail of the conversation.
 - 4. **Potential Bias:** ██████████ professional disagreements with Myadze might introduce some bias, though her statements were focused and specific.
 - *Example:* While she had policy disagreements with Myadze, her detailed account of personal interactions suggests a genuine concern beyond professional differences.
 - 5. **Overall Reliability:** ██████████ detailed and consistent recounting, along with her admittance of uncertainty, makes her a credible witness despite potential bias.

E. Alder Charles Myadze:

1. **Corroboration:** Myadze's statements are partially corroborated by [REDACTED] but are contradicted by the Complainants.
 - o *Example:* [REDACTED] confirmed that Myadze left the bar after [REDACTED] made comments, but this does not align with Myadze's claim that he always behaved professionally.
2. **Consistency:** Myadze provided consistent denials but displayed vagueness or contradictions in recalling specific incidents.
 - o *Example:* Myadze consistently denied making any inappropriate comments or actions but frequently stated he did not recall specific interactions described by the complainants.
3. **Admittance of Uncertainty:** Myadze frequently stated he did not recall specific incidents, which could be seen as avoidance rather than genuine forgetfulness.
 - o *Example:* He often responded with "I don't recall" to allegations, which might suggest an attempt to avoid admitting to potentially damaging behavior.
4. **Potential Bias:** Myadze has a clear personal interest in the outcome of the investigation, which may affect his credibility.
 - o *Example:* His position and reputation are directly impacted by the investigation's outcome, providing a strong incentive to deny the allegations.
5. **Overall Reliability:** Due to inconsistencies, potential avoidance, and clear personal interest in the outcome, Myadze is found to be a less credible witness.

F. [REDACTED]

1. **Corroboration:** [REDACTED] statements partially corroborate both [REDACTED] and [REDACTED] accounts, providing some supportive context.
 - o *Example:* He confirmed interactions at the bar during the [REDACTED] ceremony and some details of the [REDACTED] conference but did not witness specific incidents of harassment.
2. **Consistency:** [REDACTED] recollections were consistent but somewhat vague on key details, which might be due to the passage of time or the consumption of alcohol.
 - o *Example:* He provided consistent accounts of general events but was less clear on specific interactions, such as the exact nature of conversations.

3. **Admittance of Uncertainty:** ██████ admitted when he did not remember specific details, which supports his credibility.
 - *Example:* He was upfront about not recalling all details of the conversations at the bar, enhancing his credibility.
4. **Potential Bias:** ██████ has no apparent personal interest in the outcome, lending credibility to his statements.
 - *Example:* There is no indication that ██████ had any personal stake in the investigation's outcome.
5. **Overall Reliability:** ██████ consistent and unbiased account, despite some vagueness, makes him a reliable witness.

In summary, based on the assessments above, the investigation finds ██████ ██████ ██████ ██████ ██████ and ██████ ██████ to be generally credible. ██████ ██████ provides reliable context but could not provide relevant information about the specific conduct complained of by the other Complainants. ██████ ██████ offers partial corroboration but with less direct corroboration. Alder Charles Myadze is found to be less credible due to inconsistencies, potential avoidance, and clear personal interest in the outcome.

INVESTIGATIVE FINDINGS AND CONCLUSIONS

1. Did Myadze's conduct violate APM 3-5 with regards to each Complainant?

❖ ██████ – Not Sustained.

- Myadze's alleged conduct towards ██████ did not constitute prohibited unlawful harassment under APM 3-5.
- While ██████ described several incidents where Myadze's behavior made her uncomfortable, such as unexpected physical contact, personal comments, and attempts at conversation, these actions do not meet the criteria of unlawful harassment or sexual harassment as outlined in the policy. Harassment under APM 3-5 involves unwelcome and persistent behavior that unreasonably interferes with an employee's work performance or creates a hostile environment. While Myadze's alleged actions were unwanted by ██████ and likely distasteful, these actions were not sufficiently severe, pervasive, or persistent enough to meet the threshold of unlawful harassment or sexual harassment as defined under the APM 3-5.
- The conduct described by ██████ ██████ particularly during the April 2022 ██████ Conference, included instances of odd and potentially inappropriate behavior by

- Myadze. However, to constitute a violation of APM 3-5 under harassment, hostile work environment, or sexual harassment, the conduct must meet specific criteria of being severe, pervasive, or persistent enough to unreasonably interfere with work performance or create a hostile work environment.
- [REDACTED] account of Myadze touching her earring and making her touch his biceps was bizarre, unwelcomed and uncomfortable. However, these incidents do not appear to be pervasive or persistent enough to meet the threshold for harassment under APM 3-5. Importantly, while the behavior was inappropriate, it does not demonstrate a pattern that unreasonably interfered with [REDACTED] work performance.
 - Based on the investigative facts, [REDACTED] did not report that Myadze's actions from the conference altered the conditions of her employment to the extent that a reasonable person would find the work environment hostile or intolerable. Although [REDACTED] felt uncomfortable and took steps to avoid Myadze, the conduct did not significantly impact her ability to perform her job or create a pervasive hostile environment.
 - For conduct to qualify as sexual harassment under APM 3-5, it must involve unwelcome sexual advances or behavior that impacts employment conditions or creates a hostile work environment. While Myadze's conduct was inappropriate and uncomfortable for [REDACTED] it does not fit this definition. There is no evidence that submission to or rejection of this conduct affected [REDACTED] employment conditions, nor did the behavior create a work environment that was patently offensive or intimidating enough to be considered sexual harassment.
 - Based on the preponderance of the evidence and reasonable person standards, the conduct described by [REDACTED] does not meet the criteria for a sustained finding of harassment, hostile work environment, or sexual harassment under APM 3-5. While the behavior was inappropriate and made [REDACTED] uncomfortable, it did not rise to the level of severity, pervasiveness, or persistence required to constitute a policy violation. Therefore, a violation of APM 3-5 as it relates to [REDACTED] complaint.
- ❖ [REDACTED] – Not Sustained.
- Myadze's alleged conduct towards [REDACTED] did not constitute unlawful harassment as defined by APM 3-5.
 - Harassment under APM 3-5 requires unwelcome and persistent behavior that unreasonably interferes with an employee's work performance or creates a hostile environment. The behavior described by [REDACTED] including the incidents at the May 2022 Brat Fest and [REDACTED] 2023 [REDACTED] Ceremony, were inappropriate

but not pervasive or persistent enough to meet the threshold for harassment. The conduct does not show a pattern that significantly disrupted [REDACTED] professional interactions. Although [REDACTED] is not a City employee, APM 3-5 can be interpreted to cover interactions between city employees and non-city employees. However, the investigation did not reveal any ongoing or consistent working relationship between the parties.

- o Also, the conduct reported by [REDACTED] does not meet the definition of a hostile work environment under APM 3-5. A hostile work environment involves conduct that is offensive, abusive, or unwelcome and is severe or pervasive enough to alter the conditions of employment or create an environment that a reasonable person would find hostile or intimidating. Although the sexually explicit comments made by Myadze after the [REDACTED] award ceremony could be considered severe, the lack of independent corroboration and the relatively isolated nature of these incidents suggest that they did not alter [REDACTED] professional interactions to a degree that would make a reasonable person find the work environment hostile or intolerable. Also, it is important to note that the investigation did not reveal any ongoing sustained working relationship between the parties.
 - o Myadze's conduct does not constitute sexual harassment under APM 3-5. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct violates the policy when it is patently offensive and unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive work environment. While Myadze's sexually suggestive gestures and explicit comments are inappropriate and offensive, the isolated nature of these incidents and the lack of corroborative evidence make it unlikely that this behavior unreasonably interfered with [REDACTED] professional activities to the extent necessary to constitute sexual harassment. Again, the investigation did not reveal any ongoing working relationship between the parties.
 - o Although the behavior exhibited by Myadze towards [REDACTED] was inappropriate and reasonably made [REDACTED] uncomfortable, it did not reach the level of severity, pervasiveness, or persistence required to constitute a policy violation. Therefore, a violation of APM 3-5 is not sustained in this case.
- ❖ [REDACTED] – Sustained.
- o The conduct reported by [REDACTED] meets the definition of prohibited unlawful harassment and likely created a hostile work environment under APM 3-5. A hostile work environment involves conduct that is offensive, abusive, or unwelcome and is

- severe or pervasive enough to alter the conditions of employment or create an environment that a reasonable person would find hostile or intimidating.
- o The inappropriate comments made by Myadze at the Washington D.C. Conference, along with the threatening confrontation in the car, were severe and persistent enough to create a hostile work environment. [REDACTED] felt “frozen” and fearful of repercussions during the car incident, which significantly impacted her sense of safety and ability to work effectively. Additionally, the absence of the text messages claimed by Myadze about the apology and the corroboration that Myadze confronted [REDACTED] about alleged rumors further add to the fact that the conduct was severe enough for him to believe she was discussing his behavior with others. These incidents, especially given their context within a professional relationship where both parties need to collaborate, created an environment that a reasonable person would find hostile or intimidating.
 - o [REDACTED] account of events is credible, and her discomfort is acknowledged. Her descriptions of the incidents were consistent and corroborated by Myadze’s own statements regarding the confrontation about alleged rumors. The absence of the purported apology text message, which Myadze claimed to have, further weakens his credibility.
 - o Myadze was found to be less credible due to selective memory and inconsistencies in his statements. His inability to recall specific incidents and selective denial of certain comments further support [REDACTED] credibility.
 - o However, Myadze’s conduct does not constitute sexual harassment under APM 3-5. Sexual harassment under APM 3-5 includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct is considered a violation of the policy when: (i) Submission to such conduct is made openly or by implication a term or condition of an individual’s employment; or (ii) Submission to or rejection of such conduct is used as a basis for employment decisions affecting that person; or (iii) Such conduct is patently offensive and unreasonably interferes with the individual’s work performance or creates an intimidating, hostile, or offensive work environment.
 - o Of note, Myadze’s comments do not implicate an indication of sexual advances or requests for sexual favors from [REDACTED]. But some comments made by Myadze were sexual in nature and distasteful. Particularly comments about her physical appearance and inappropriate insinuations of a sexual relationship between [REDACTED] and [REDACTED]. These types of unsolicited and unwarranted comments, and Myadze’s threatening conduct thereafter, have no place in a healthy work environment. Nevertheless, these unsavory comments and jests were made at select times over a two-

day period in March 2022. As such, it would be a stretch to categorize them as “repeated unsolicited inappropriate comments.”

- o After evaluating the evidence and applying the reasonable person standard, the conduct described by ██████ meets the criteria for a sustained finding of prohibited harassment and hostile work environment under APM 3-5.

2. Did Myadze’s conduct violate any state or federal laws with regards to each Complainant?

❖ ██████ – Not Sustained.

- o Under Wisconsin and federal law, Myadze’s conduct toward ██████ does not clearly constitute sexual harassment. Both Wisconsin and federal law define sexual harassment as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that explicitly or implicitly affects an individual’s employment conditions or creates a hostile or offensive work environment. The alleged incidents described, such as Myadze’s attempts to initiate a hug, making comments about ██████ appearance, and persistent attempts at conversation, while may be received as inappropriate, do not rise to the level of severe or pervasive conduct necessary to constitute sexual harassment under Wisconsin or federal law. Nevertheless, Myadze’s conduct was found to be distasteful and unwelcomed, particularly his physical approaches towards ██████

❖ ██████ – Not Sustained.

- o Under Wisconsin and federal law, Myadze’s conduct toward ██████ does not qualify as sexual harassment. While ██████ alleged interactions with Myadze at Madison’s Brat Fest in May 2022 and the subsequent ██████ Award event in ██████ 2023 were inappropriate, they do not rise to the level of severity or pervasiveness required to establish a claim of sexual harassment. Additionally, Myadze’s comments, although offensive and sexually suggestive, appear to be isolated incidents rather than a pattern of behavior that would significantly interfere with ██████ work performance or create an objectively hostile work environment. Importantly, ██████ is not an employee of the City or Myadze’s co-worker. As such, Myadze’s conduct towards ██████ is not covered by pertinent state or federal employment laws.

❖ ██████ – Not Sustained.

- o Under Wisconsin and federal law, Myadze’s alleged conduct toward ██████ including the incidents during the ██████ Conference in ██████ 2022 and

- the car incident on April 7, 2022, do not constitute sexual harassment based on the legal definitions and standards established.
- During the conference, Myadze made suggestive comments and innuendos towards [REDACTED] such as commenting on her appearance and insinuating a relationship with a colleague, which [REDACTED] found uncomfortable. While these comments were inappropriate, they do not meet the criteria required to establish a claim of sexual harassment under Wisconsin or federal law.
 - Similarly, during Myadze and [REDACTED] car interaction on April 7, 2022, Myadze's statements and behavior, while intimidating and concerning to [REDACTED] focused on denying rumors and asserting his stance against sexual assault allegations, rather than making unwelcome sexual advances or engaging in conduct of a sexual nature. Although the locked car doors and forceful conversation caused [REDACTED] to feel frozen and fearful, the incident, when considered alongside the conference remarks, does not demonstrate a pattern of behavior that would create an objectively hostile or abusive work environment under Wisconsin and federal law.

CONCLUSION

This investigation analyzed the complaints made by three Complainants about Myadze's conduct towards the Complainants ([REDACTED], [REDACTED] and [REDACTED]). We reviewed the complaints, conducted investigatory interviews, and analyzed the complaints and interview findings under the pertinent City Policy (APM 3-5) and pertinent state/federal employment laws.

The investigation found that Myadze's conduct did not constitute violations of APM 3-5 or state and federal laws in the cases of [REDACTED] and [REDACTED]. However, the conduct towards [REDACTED] was found to constitute harassment and created a hostile work environment, under APM 3-5, though it did not meet the criteria for violations under state and federal laws. The conclusions are based on the preponderance of the evidence, taking into account the severity, persistence, and impact of the conduct on each complainant's work environment and performance.

Very Truly Yours,

OVB Law & Consulting, S.C.

/s/

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Attorney