



NEARPASS & KOEGEL PLLC

Privileged & Confidential Investigation Report for the:

Town of Irondequoit, NY

Into allegations of sexual harassment and retaliation against
Town Supervisor Andraé Evans

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November 20, 2024

INVESTIGATION REPORT

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I. Introduction and Background

Andraé Evans is the current Town Supervisor for the Town of Irondequoit (the “Town”). He was elected in November 2023 and was sworn in on January 6, 2024. Shortly after Evans took office, he hired [REDACTED] [REDACTED] as his [REDACTED]. Later in January 2024, Evans hired [REDACTED] [REDACTED] on the recommendation of [REDACTED] to assist both [REDACTED] and him with communications-related tasks, such as press releases, newsletters, and the like. [REDACTED] functional title was [REDACTED].

In mid-August 2024, [REDACTED] approached [REDACTED] [REDACTED] [REDACTED] with concerns about comments that Evans had allegedly made to her throughout her employment with the Town. [REDACTED] reported that the comments were sexual in nature and had made her uncomfortable. At [REDACTED] request, [REDACTED] and [REDACTED] met with Evans on August 30, 2024. [REDACTED] goal for the meeting was to inform Evans that he was making her uncomfortable and to ask him to change the language he used with her. In the meeting, however, Evans denied making sexual comments toward [REDACTED] and [REDACTED] felt as though her hoped-for goals for the meeting had not been met.

[REDACTED] reported that her working relationship with Evans after the August 30 meeting was untenable. She resigned from her employment on September 11, 2024. [REDACTED] although she had not been part of the August 30 meeting, also believed that her working relationship with Evans deteriorated after the meeting because [REDACTED] had raised concerns to Evans about [REDACTED] comfort level around him during the meeting. [REDACTED] also resigned from her position around the same time (September 9, 2024) as [REDACTED]

On October 3, 2024, the Town retained Nearpass & Koegel PLLC to conduct an independent investigation into the allegations against Evans, which include allegations that Evans sexually harassed and retaliated against [REDACTED] and that he retaliated against [REDACTED] Investigator Kate Nearpass (“Investigator”) thereafter began the investigation.

II. Methodology

A. Statement of Impartiality

Investigator was retained to conduct an independent, impartial investigation free of influence from any person with interest in the outcome of this process. The Town Board and its representatives allowed Investigator discretion to conduct the investigation as she determined to be necessary. Investigator was given access to all requested witnesses and documents. No person interfered with or influenced the findings in this report.

B. Witnesses

The following individuals were interviewed as part of the investigation:

| NAME | STATUS | POSITION | DATE OF INTERVIEW |
|--------------|-------------------------|-----------------|---------------------------------------|
| [REDACTED] | Witness | [REDACTED] | October 31, 2024 |
| [REDACTED] | Complainant | [REDACTED] | October 8, 2024, November 13, 2024 |
| Andraé Evans | Respondent | Town Supervisor | November 1, 2024 |
| [REDACTED] | Witness | [REDACTED] | October 14, 2024, November 4, 2024 |
| [REDACTED] | Complainant/ Witness | [REDACTED] | October 15, 2024 |
| [REDACTED] | Witness | [REDACTED] | October 17, 2024 |
| [REDACTED] | Witness | [REDACTED] | October 16, 2024 |
| [REDACTED] | Witness | [REDACTED] | November 6, 2024 |
| [REDACTED] | Witness | [REDACTED] | October 31, 2024 |
| [REDACTED] | Witness | [REDACTED] | November 7, 2024 |

C. Relevant Policies

The Town's Anti-Harassment Policy (Policy 2.3)² states in relevant part:

The Town will not tolerate conduct that threatens individuals, interferes with work performance, or which creates an offensive or hostile work environment. Harassment includes, but is not limited to, behavior such as remarks, slurs, jokes, horseplay and practical jokes, and the display of signs, pictures, or written material that demeans, degrades, or otherwise discredits or disparages an individual based on sex, race, religion, age, national origin, marital status, or disability, etc.

Sexual harassment includes, but [sic] not limited to, unwelcome touching, grabbing, and other close physical contact. Also prohibited under this policy are unwelcome personal advances, requests for sexual favors, and similar conduct that threatens employment status, or promises employment benefits or privileges in exchange for sexual favors.

The Town's Sexual Harassment Policy (Policy 2.3.1)³ defines sexual harassment as "a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation." The policy further states, "Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal."

¹ Investigator asked all witnesses about their willingness to have their name included in this report. ██████████ indicated that they preferred to have their name redacted from the report, and therefore will be referred to by number.

² Exhibits, pp. 1-2.

³ Exhibits, pp. 3-13.

The Sexual Harassment Policy also contains the following anti-retaliation provision, about which all parties and witnesses were reminded during the investigation:

Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of Town of Irondequoit who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Director of Personnel. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.

D. Scope of Investigation

This investigation report addresses [REDACTED] allegations of sexual harassment against Evans, which includes a discussion of concerns raised by other witnesses regarding Evans to the extent they are similar in nature to the allegations raised by [REDACTED]. The report also addresses [REDACTED] allegations of retaliation against Evans, which she raised with Investigator during the investigation. Lastly, the report addresses allegations of retaliation against Evans raised by [REDACTED].

During this investigation, several witnesses raised additional concerns about Evans that fell outside of the scope of this investigation. A memorandum describing those concerns has been separately provided to the Town Board, through its counsel.

E. Evidentiary Standard

The applicable evidentiary standard is the preponderance of the evidence. In the context of an investigation, the standard is synonymous with “more likely than not.”

III. Evidence Gathered

A. Background Information

██████████ and Evans first met prior to Evans’ November 2023 election as Town Supervisor. ██████████ was working with ██████████ and, in her role for ██████████ ██████████ had provided some administrative support for Evans’ campaign. Evans recalled being impressed by ██████████ and offered her a role in his administration. ██████████ accepted the role, which was originally defined as ██████████ but which Evans re-framed as his ██████████. Evans explained that ██████████ was his “right hand.” Both ██████████ and Evans spoke of the working relationship as a partnership, in which ██████████ spoke both for and on behalf of Evans.

██████████ job duties as ██████████ included organizing working groups for the various initiatives Evans wanted to accomplish during his term, managing the agenda for Town Board meetings, and being the point person for staff issues. Both ██████████ and Evans noted that there was some resistance to ██████████ among Town staff members, who perceived her as young, inexperienced, and unqualified for the job. Despite that resistance, ██████████ stated that Evans was very supportive of her. Evans told Investigator that, overall, he was “extremely” satisfied with ██████████ performance.

In January 2024, Evans hired ██████████ as the ██████████. ██████████ had recommended ██████████ having previously worked with her. Evans, ██████████ and ██████████ all reported that the three of them worked closely together.

B. ██████████ Allegations of Sexual and Personal Comments

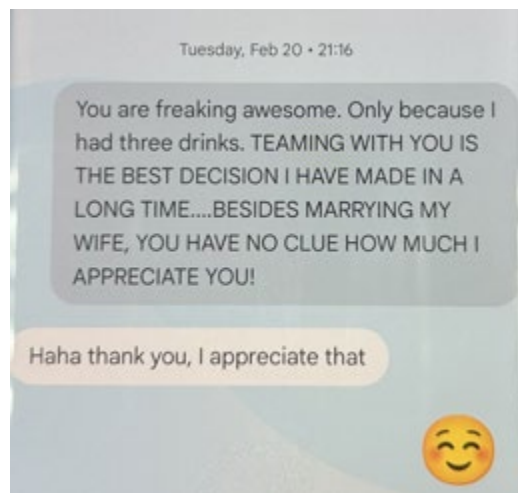
1. January through early March 2024

██████████ reported that her working relationship with Evans during the first months of her employment was generally good. She noted some “growing pains,” which she attributed to the two of them getting to know each other’s working styles. Evans, she noted, has a military background, which meant that he brought a sensibility from the military into his

role as Supervisor and, because of that, that they “struggled to speak the same language” and occasionally “bumped heads over his choice of words, his stubbornness, [and] his communication style.”

With regard to Evans’ “choice of words,” ██████████ recalled that Evans would occasionally use words that she believed were unprofessional or perhaps thoughtless, such as once telling her she was “on crack” when he disagreed with her. By way of another example, ██████████ mentioned one occasion when Evans said that someone had “ripped him a new asshole.”

██████████ also cited a text message Evans sent her on February 20, 2024 as an example of Evans’ occasional poor choice of language. Evans had been away at the Association of Towns Annual Meeting and sent ██████████ the following message at 9:16 p.m.:



██████████ reported that she thought the text message was “weird,” particularly because Evans was drawing a comparison between her and his wife. She explained:

[T]here is a way to show gratitude for somebody and appreciation for somebody without making it weird. There’s always this line, and for some reason he’s always on it or blown past it. It’s like, there’s a way to phrase it without making it weird. And that’s the only thing. I never really thought that it was this weird sexual advance thing. I just was like, that’s weird. You just don’t need to talk to me like that. ... It’s like [he] could just say, thank you. I’m very grateful for you, and just move on from that.

2. Mid-March through late May 2024

Beginning around mid-March 2024, ██████ reported that Evans' thoughtlessness with his word choice started to make her uncomfortable because some of his comments could be construed as sexual.

a. Alleged "nice legs" comment

█████ attended the Monroe County Executive Ball on or around March 14, 2024 with Evans and his wife. ██████ remembered wearing a black dress that came to mid-thigh and a blue blazer. A couple of days afterwards, she recalled that she went into Evans' office and Evans mentioned that his wife had commented (while at the event) that ██████ had "nice legs." ██████ remembered Evans repeating this comment three or four times that day, which made her uncomfortable.

Evans denied this comment altogether. He had no recollection of commenting (or relaying a comment from his wife) about ██████ legs. He did recall making a comment to ██████ at the event about her having a "strong stance" and a commanding presence.

There were no witnesses to this alleged comment, but two individuals told Investigator that ██████ told them about it. ██████ recalled that a few days after the event, ██████ told them that Evans made "a remark about her attire specific to her legs." ██████ also recalled that in late May or early June, ██████ told her that Evans "kept talking about ██████ legs" "after one of the balls."

b. Alleged comments about "schoolgirl outfits"

Around this time, ██████ recalled that Evans would also comment on certain outfits that she wore to work, calling them "schoolgirl outfits." ██████ stated that after Evans commented on her "little schoolgirl uniform" three or four times, she stopped wearing certain dresses or outfits to work.

Evans recalled that he commented one time on a blazer that ██████ wore because the colors were similar to the student uniform of Our Lady of Mercy School, a local Catholic middle and high school for girls that Evans' daughter had attended. Evans recalled, "she had a blazer that looked exactly like my daughter's blazer. And I asked the question, 'did you go to Mercy?' Because I didn't know where she went to high school." Evans denied ever referring to ██████ clothes as "schoolgirl outfits."

There were no witnesses to these alleged comments.

d. Alleged Monica Lewinsky comment

██████████ alleged that in late May or early June, she and Evans had a conversation about an interaction Evans had with a Town Board member in which Evans perceived the Board member to have been evasive in responding to a question. Evans equated the interaction with Bill Clinton's infamous remark about Monica Lewinsky ("I did not have sexual relations with that woman.") Evans continued: "I could say no, I didn't have sex with that woman, but that doesn't mean I didn't have sex with ██████████. The fact that Evans personalized the comment made ██████████ uncomfortable. ██████████ went on to say that she did not need an explanation, she understood Evans' point perfectly well: "[He] could have just stopped at the famous Bill Clinton, Monica Lewinsky thing. Great. Everybody knows what you're talking about. End of story. Let's move on. But it was the next step after that that I was like, I felt uncomfortable."

Evans recalled that conversation occurring at the end of August and that he had been trying to explain to ██████████ why he knew that the Town Board member had been lying to him.⁴ He recalled talking about Bill Clinton as well as other well-known examples of politicians telling falsehoods, but he denied personalizing the statement or stating "that doesn't mean I didn't have sex with ██████████"

There were no witnesses to the comment, but ██████████ reported that ██████████ told her about the comment immediately after Evans said it. ██████████ recalled what ██████████ had told her about the interaction:

I believe the thing that he had said to her was that they were talking about the preciseness of language. And he said how Bill Clinton said, "I never had sexual relations with that woman." And then he was like, "and now that would be different than me saying 'I never had sexual relations with ██████████ and specifically self-inserted into that phrasing. Instead of just saying "that would be different than Bill Clinton saying, 'I never had sexual relations with Monica Lewinsky.'" So I think that conversation had literally just happened.

⁴ ██████████ recalled that Evans had been tying this to his background in military psychological operations and his particular expertise in identifying when someone is lying to him, which is consistent with how Evans described this conversation to Investigator.

e. Alleged pool comment

██████████ alleged that on May 29, 2024,⁵ she and Evans were sitting in his car in the parking lot of the Town Hall toward the end of the work day, when Evans asked her if she planned to go to the gym after work, as was her habit. ██████████ recalled that they were intentionally sitting in the car to have the conversation, because they were discussing a highly confidential matter and did not want to risk being overheard in the Town Hall.

██████████ recalled that it had been a long and stressful day, so she replied to Evans' question about the gym by telling him she was exhausted and might go to the gym just to sit by the pool. She recalled that Evans responded, "don't tempt me," which ██████████ stated she "fully" understood to be a reference to her wearing a bathing suit at the pool. ██████████ reported that, after an awkward pause, Evans then said, "I probably shouldn't say things like that to you."

Evans confirmed that the conversation about ██████████ going to the pool occurred, but he had a different recollection. Evans remembered that they were sitting in his car in the parking lot because they had just returned from an event. He remembered that ██████████ told him she was leaving early, that he responded, "good, have fun at Pilates," and that she then said, "I'm not going to Pilates, I'm going to sit by a swimming pool." Evans explained to Investigator that he then made a comment in which he jokingly encouraged her to stay at work and that he did not say anything sexual to her. Evans denied using the word "tempt," but he acknowledged he said something like, "I probably shouldn't say things like that to you," and noted that it was in reference to him jokingly suggesting that she stay at work.

██████████ reported that ██████████ told her about this comment after it happened, recalling that ██████████ told her that she had said to Evans, "I think I just need to decompress. My gym has a pool. I might just go to the pool," and that Evans had responded, "don't tempt me." ██████████ also reported that ██████████ told them about the comment, recalling, "I guess he asked, 'what are you going to wear?' And saying something to the extent of, 'don't tempt me' relative to what she described."⁶

⁵ ██████████ and Evans have a different recollection of when this conversation happened. ██████████ recalled it occurring on Wednesday, May 29, 2024, and Evans, although he did not recall the date, was sure that it happened on a Thursday.

⁶ ██████████ was sure that she and Evans had not had any explicit discussion about what she would wear to the pool, although she interpreted the "don't tempt me" comment as referring to her wearing a bathing suit.

3. June through late August 2024

a. [REDACTED] *discussions with others about the alleged harassment*

After the alleged “don’t tempt me” comment, [REDACTED] reported that she decided she was uncomfortable enough with Evans that she began seeking advice from peers and colleagues about how to handle the situation. She stated,

That was the moment where I was like, that was very direct. I did not like how I felt in that moment. That was weird. We’re sitting alone in his car. It’s like 80 degrees outside. I remember being hot in the car and I just was so riddled with anxiety. Anxiety that I was like, that was not okay. I am not okay with how that just happened.

Shortly after the alleged “don’t tempt me” comment, [REDACTED] reported her concerns about Evans’ comments to [REDACTED]

Sometime in or around early June, [REDACTED] also told [REDACTED] about her concerns with Evans. [REDACTED] confirmed this conversation with [REDACTED] and recalled that she had one or two additional conversations with [REDACTED] after that about Evans’ behavior. [REDACTED] recalled [REDACTED] telling her about Evans saying things like she “looked great,” or “nice dress.” [REDACTED] specifically remembered [REDACTED] telling her about the “perky breasts” comment noted above, which [REDACTED] recalled being, “your breasts look perky today.” [REDACTED] and [REDACTED] both reported that [REDACTED] gave [REDACTED] the advice to call out Evans’ bad behavior in the moment.

[REDACTED] also told [REDACTED] about her concerns with Evans around this time. [REDACTED] recalled:

There was definitely a period of time at which she did share an increasing level of concern on some of the interactions, conversations and words and actions that took place between she and the supervisor. It was probably somewhere between a half dozen to a dozen times where we had private conversations of, like I said, different levels of whether it was words or actions or events that took place over at least my period of employment there while she worked there.

b. Alleged comment, "you're really cute when you're mad"

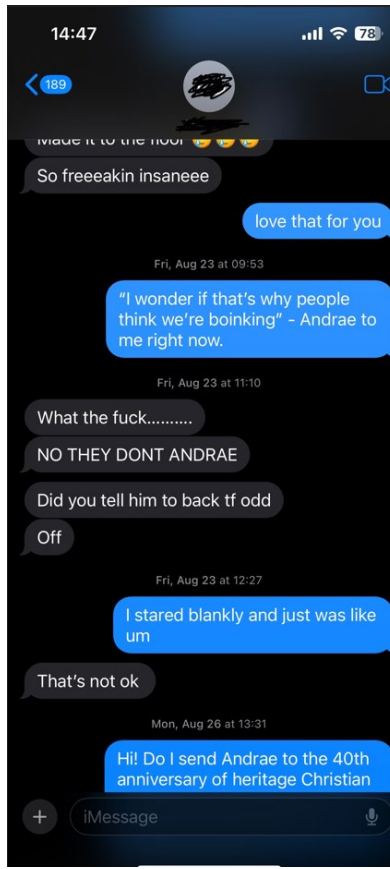
██████████ alleged that on June 7, 2024, she was preparing for a Town Board meeting and was frustrated with outstanding items and resolutions that had not been prepared. She was venting her frustrations to Evans and he responded, "You're really cute when you're mad. The vein in your neck grows like three sizes."

Evans acknowledged that he likely made a comment like this to ██████████. He explained that he will often make a joke if someone appears angry to distract or redirect the person from their anger.

c. Alleged comment about "boinking"

██████████ alleged that on August 23, 2024, Evans called her into his office and told her a bit of gossip about another department head who was having an affair with his assistant. Evans then said, "I wonder if that's why people think we're boinking," suggesting that because two Town employees were known to be having an affair, that other employees might suspect that of ██████████ and Evans. ██████████ specifically recalled the word "boinking" because, as she said, "I don't know anybody that says that word." ██████████ provided a screenshot of a text message with a (non-Town employee) friend, whom she messaged just after the interaction:⁷

⁷ The name and phone number of the individual with whom ██████████ exchanged this text was redacted by ██████████. She described the individual as a friend.



Evans recalled having this conversation with ██████ about the department head's affair with his assistant. He recalled suggesting that the assistant, someone with whom ██████ had had conflict, probably thought that he and ██████ were having a sexual relationship because of the assistant's own affair with her manager.⁸ While he acknowledged the substance of the alleged conversation, Evans denied using the specific word "boinking."

d. ██████ *reconsideration of her relationship with Evans in light of the alleged comments*

██████ reported that aspects of her professional relationship with Evans that she had otherwise considered normal or innocuous began to feel uncomfortable in light of the above-described comments. For example, she began to feel as though she needed to draw firmer boundaries between her professional relationship with Evans and any

⁸ Evans did not fully explain why he speculated that the assistant would have made this assumption, aside from a person's general tendency to see themselves and their own circumstances reflected in other people.

outside-of-work contact they had. She also began to feel uncomfortable about his tendency to hug her in the office.

i. Outside of work contact/communication

██████████ explained that she and Evans frequently had communication with one another outside of work hours. She generally did not object to this: "The way I viewed my job is being available essentially 24/7...government never stops, politics never stops." However, as Evans began to make her feel increasingly uncomfortable with his alleged sexual comments, she began to "kind of feel weird about having a relationship with him outside of that standard nine to five." She explained that she sought some distance from him:

He would try to spend time together outside of work, but he would try to grab a drink after work. He would try to go out for whiskey or have me over for dinner or do something like that. I never took him up on it. He would mention it in offhand conversations. And then he would text me on a Friday night when he was at the Red Wings [game], or when I went to go see Dan and Shay with my friends. He was texting me, asking me how the concert was and checking in.

When asked, generally, about his relationship with ██████████ Evans explained that he viewed her as a daughter, that ██████████ and his daughter are similar in age, and that he aspired to have a paternal/familial relationship with her. Evans stated that he only engaged with ██████████ on three occasions outside of work, over meals at restaurants, and that ██████████ was there for two of those meals. Evans' perspective was that it was ██████████ who sometimes pushed for outside-of-work contact.

ii. Evans' "touchiness" with ██████████

██████████ reported that Evans has a tendency to frequently hug, fist bump, or otherwise touch his colleagues at the Town. (See sec. III.D.1 for a discussion of Evans touching staff employees other than ██████████) She also reported that he did this with her throughout their working relationship. She reported that he would not hug her on a daily basis, but that he did occasionally hug and fist bump her. As an example, ██████████ recalled that she had gone on vacation in July and when she returned, "he just kept saying how much he missed me, how much he missed me. He was like, I dunno, can I hug you? I want to hug you. Is that weird? Can we just fist bump? I just missed you. I'm so happy to have you

back." As time went on, she indicated that she tried to keep more physical distance from him, so the frequency of hugs and other physical contact decreased.

Evans, on the other hand, indicated that at the beginning of his working relationship with [REDACTED] he was very "stoic" with her: "When [REDACTED] started, I'd say, number one, I'm never going to hug you. I'm affectionate to other people. Don't take that the wrong way. We work together way too much and I don't want anyone getting the wrong impression. So I never hugged [REDACTED] [REDACTED] denied that this conversation ever happened and stated, "I would argue that I don't really ever recall him being stoic in the beginning."

Evans stated that about three months into his professional relationship with [REDACTED] she came into his office and complained that he "didn't want her." Evans specifically recalled that [REDACTED] had used that particular phrasing. He reported that she complained that he didn't treat her like everyone else and he told her that he was more affectionate with others, because he and [REDACTED] needed to have a clear boundary so no one got the wrong idea. At the end of this conversation, Evans said that [REDACTED] asked him for a hug and he agreed. Evans said he interpreted [REDACTED] comment that he "didn't want her" as relating to the job, rather than a sexual comment. After that, Evans made a conscious effort not to be so "stoic" around her and to be more "relaxed and engaging." [REDACTED] denied that any conversation like this ever occurred and did not ever recall asking Evans for a hug.

e. [REDACTED] reports to [REDACTED]

In mid-August 2024, [REDACTED] reported Evans' behavior to [REDACTED] as a hypothetical, but did not give him details. On August 26, 2024, [REDACTED] verbally reported the behavior in specifics to [REDACTED] and indicated to him that she wanted to try to resolve the matter informally by having a meeting with Evans, sharing her concerns, and asking him to change the language he used with her.

[REDACTED] explained to Investigator that her goal in seeking help from [REDACTED] was to encourage Evans' to change how he spoke to her and to think before he spoke. [REDACTED] recalled speaking to [REDACTED] around this time. [REDACTED] stated:

It was my understanding in talking to her that she was only looking for an apology and to kind of set the record straight on her feelings and to kind of move on. I don't think she ever intended to throw a grenade and run away. I think really her true intention as I understood it, was to share how it was

making her feel and to hopefully correct it so that she could continue doing the job.

4. August 30, 2024 meeting

a. ██████████ perspective

At ██████████ request, ██████████ arranged a meeting for ██████████ ██████████ and Evans for August 30, 2024. ██████████ recalled that she told Evans at the meeting that she wanted to address some things that he had said to her that had made her uncomfortable and she gave him a written list of her concerns.⁹ ██████████ explained to Evans that she was not looking for any major change in their working relationship, but wanted him to be more careful about his language. ██████████ also asked for boundaries in their relationship. She recalled saying, in sum and substance:

I am your ██████████ We are professional colleagues. We are not meant to be best buddies. We don't need to spend all this time together. We don't need to go out for lunch. We don't need to. If we're out and we're going to go grab food, okay, that's fine, but we don't need to get together after work. We don't need to be texting outside of work for non-work things. We don't need to have this casual language back and forth with one another. There should be boundaries.

When asked how Evans responded to her specific concerns about his alleged comments, ██████████ reported:

He had an excuse or a justification for every single thing. He sidestepped every one of them. He turned all of it around on me. He got increasingly angry. He tried to come up with some half-assed justification for some of them, could not remember some of them... And he got very, very quiet. He would stare at me, make me kind of feel a bit intimidated, which I know ...that that's a tactic that he uses, is that he'll just stare at people to make them feel uncomfortable until they

⁹ ██████████ also provided Investigator with this list, which outlines the alleged comments described in this section. Exhibits, pp. 14-15.

kind of back down. And then that was the first half. And then I got angry because his reaction was so poor.

████████ recalled that, toward the end of the conversation, Evans said, "that's fine, I'll just be stoic." ██████████ continued,

And he goes, "well, I need to protect myself. I need to do this." And I said, "no, the only thing that needs to change are the words that you are using to communicate." I don't even know how many times I said that to him. I was like, "I am not looking for anything else."

████████ indicated that, "towards the end of the conversation, he openly said, 'I'm going to stop giving you work to do, and I'll just do it myself because I need to protect myself because now I'm concerned that you're just going to misconstrue everything that I'm doing.'"

████████ recollection of the meeting was similar to ██████████

So it really didn't go well. He denied everything, said the words, he didn't mean them, he treats her like a daughter. And by the end, I remember her saying, "I just wanted an apology and the language to stop." And he was kind of like, "well, I'm just not going to talk to you anymore, or if we have any dealings, I'm going to be stoic."

████████ recalled that ██████████ stepped in to explain that ██████████ was not asking for "stoicism" from Evans and that it would be retaliatory for Evans to stop giving ██████████ work. ██████████ generally corroborated this:

Kate Nearpass:

Did you perceive any of the things that [Evans] said in response to be retaliatory or potentially retaliatory?

████████ ██████████

Well, yeah, because I told him, I said, look, you don't want to change the work relationship. I backed up ██████████ in that conversation and said, we need to move forward. We need to

find a place to move forward where you can still work together and [REDACTED] okay with the way you're communicating.

[REDACTED] recalled specifically admonishing Evans that he should not do anything "that even sniffs of retaliation."¹⁰ [REDACTED] did not recall if Evans indicated outright that he would stop giving [REDACTED] work, but he recalled, "that was the sense that he was giving off. That was the gist of his being stoic."

b. Evans' perspective

Evans recalled that when [REDACTED] confronted him about the specific alleged comments in the August 30 meeting, he was "totally confused." He continued, "most of the stuff, I had no clue what she was talking about. It was all gibberish to me." Evans did not understand that [REDACTED] was asking for anything from him, but that she made a "veiled threat that if [he] didn't change, she would make this known."¹¹

Evans did not think that there was anything about his behavior to correct since all of the concerns [REDACTED] was bringing forward were her own misperceptions of interactions: "She's just saying her perception is, I'm thinking I can't help her perception. So she's asking me to change because of what she perceives, but I don't know what she perceives. So how can I address the changes if the perception's in her mind?" Evans did not think it was reasonable for him to apologize to [REDACTED] for "her perceptions."

Evans denied saying anything along the lines of needing to "protect himself" from her.

C. Allegations of Retaliation

1. [REDACTED] allegations of retaliation

a. [REDACTED] perspective

[REDACTED] alleged that immediately after the August 30 meeting, Evans began to retaliate against her by cutting her out of work in which she ordinarily would have been included.

Early in the morning of Saturday, August 31, 2024, the day after [REDACTED] meeting with Evans about her concerns, a family in Irondequoit was horrifically murdered in their

¹⁰ [REDACTED] was not sure if that conversation was part of the August 30 meeting or perhaps part of a subsequent meeting with Evans.

¹¹ [REDACTED] reported that he did not perceive anything [REDACTED] said as a threat.

home,¹² requiring a public statement from Evans. ██████ recalled that Evans called a Town Board meeting, briefed the Board, finalized a statement to the press, and met with the families of the victims without informing or seeking counsel from ██████ or ██████. ██████ stated that those were things “that prior to this incident, prior to me accusing him and having this conversation, he would have 100 percent told me about. We would've been in lockstep together.”

██████ also perceived a change in Evans’ interactions with both her and ██████ relating to the Town’s response to the murders:

And so on that Monday, that Monday was a holiday¹³ after the house fire, ██████ sent a text in the group chat to me and Andraé about strategizing our public communications response. She had ideas that she laid out about how we should approach it. Also, given that it was a holiday, and we also should post something for the holiday, whatever. She sent out her thoughts on how we should handle social media that day. Andraé then sent ██████ a statement that was very clearly written by AI, which he sent it just to ██████. She then told him that he needed to share it with me so I could post it. And then he told us that that was the final draft, and it will be posted exactly one hour after the press conference ends...The subtext being, you're not editing this. Do not edit this.

██████ also alleged that Evans cut her out of work she was previously involved in in other ways. She alleged that:

- Evans offered a job to the new Town Historian without informing ██████ something he previously would have discussed with her.
- Evans cut ██████ off from his calendar and any information about his whereabouts during the day. ██████ stated:

¹² <https://www.whec.com/local/police-to-share-details-on-several-people-found-dead-in-irondequoit-home/>

¹³ That Monday was Labor Day, September 2, 2024.

I got shut out of meetings. He would take meetings with people and not tell me about them. He started coming into work later and later every day and not telling me he was coming into work late. He would just disappear, not telling me where he was going if he was leaving the office.

- On September 11, 2024, [REDACTED] needed to brief Evans about a safety issue in the building (regarding the carbon monoxide detectors). She recalled that he refused to look at her or come into her office until she insisted, then he came in but refused to sit down.

After the September 11 incident, [REDACTED] stated that she felt she had no choice but to resign. She sent a short email of resignation to Evans, with copy to the Town Board members and [REDACTED]. She then sent, a few minutes later, a longer email to Evans, with copy to [REDACTED]¹⁴

I struggled for months with whether it was worth it to discuss my concerns with you because I genuinely felt appreciative of everything you've done for me and the opportunities you've given me this year. While we may not have always seen eye-to-eye, I knew you had my back. You have been such a large advocate and supporter of me. You made sure I was in every meeting, gave me legitimacy and forced people to take me seriously, went out of your way to introduce me to everyone, forced me to take time off, and constantly gave me more credit than I deserved.

When we spoke on August 30th, I made it very clear that all I wanted was better communication and phrasing. Nothing else had to change; I just wanted some more respect and consideration when you spoke to me. Quite frankly, I was also looking for an apology. However, in that meeting, you twisted everything and became increasingly angry, and no apology - or hint of an apology - was ever given. And in the days since,

¹⁴ Exhibits, pp. 17-18.

it has become evident that I am being shut out of my regular responsibilities and am no longer wanted in this office.

Quite frankly, Mr. Supervisor, I am disappointed. I was hoping our meeting would serve as a reflection period and that perhaps it would set a new course, but that simply hasn't been the case. I am a firm believer that there are no such things as bad experiences. I am grateful for the lessons I learned, the knowledge I gained, and the people I met over the last 9 months. I will continue to serve the people until my last day in your administration, and I will be happy to assist in a transition to the best of my abilities.¹⁵

██████████ alleged that Evans continued to retaliate against her even after her resignation, including by cutting off her access to Town email prior to her anticipated last day of work.

b. Evans' perspective

Evans acknowledged that he changed the way he interacted with ██████████ after the August 30 meeting by reverting to the "stoicism" he had demonstrated at the outset of his working relationship with ██████████¹⁶ He gave the following example:

The next day after being accused of a sexual allegation, I had to give her some information, I stood at the door and she goes, "oh come on in and close [the door]." "Nope, I'm fine right here." And so I made sure that all doors was open and we had no closed door conversations.¹⁷

Evans remembered that shortly after the August 30 meeting, ██████████ told him, "I don't want anything to change between us." Evans recalled his response: "I just smiled and

¹⁵ ██████████ originally planned to work through September 30, 2024, but rescinded her resignation on September 26, 2024, pending the results of this investigation. She then resigned a second time on October 22, 2024. Emails relating to ██████████ decision to resign are included at Exhibits, pp. 17-21.

¹⁶ As noted above, ██████████ denied that Evans had ever been "stoic" with her at the beginning of their working relationship.

¹⁷ Although Evans did not specifically remember this interaction to be about the carbon monoxide detectors that ██████████ referenced, the interactions are sufficiently similar that they are likely the same encounter.

walked away. And she kept saying, 'I didn't want anything to change between us.' I'm thinking you just accused me of sexual harassment, so why wouldn't things change between us?" In Evans' mind, the relationship needed to revert to being purely professional.

Evans also recalled that he felt he needed to tamp down on ██████ pushing back on him in a way that he perceived as rude or dismissive and to reassert himself as her supervisor (rather than, apparently, the partnership he had previously encouraged). Evans recalled:

She was being very dismissive. I was trying to communicate a point and I said, I think that is my error, that because I allowed her this freedom, this open honesty, that she is misinterpreting it as she has the power and that I work for her. And then I told her what I needed to do. I can't remember specifically what it was. She came in and then she was like, "what's wrong?" I walked out. She goes, "well, you're angry at me." I'm like, "I'm not angry. Here's what I need. Here's what I don't. Here's what I said." And then she kept going on and on about, "we need to talk about this." And I'm like, "conversation's over." And she kept going on and on.

Evans recalled that shortly after this interaction, ██████ resigned.

With regard to his handling of the Town's response to the quadruple homicide, Evans stated that he intentionally left ██████ out of communications because he and the police chief were dealing with highly confidential information. He had learned (from ██████ herself) that ██████ had shared the gossip with ██████ about the manager and the assistant having an affair (see *supra* sec. III.B.3.c) about a week prior. Evans did not think that he could trust ██████ with confidential information at that point given her lack of discretion on that issue.

With regard to the hiring of the Town historian, Evans indicated that the hiring process was still not complete and no part of the hiring process occurred without her involvement. ██████ confirmed that a new Town historian has not been hired.

With regard to ██████ allegation that Evans stopped allowing her access to his calendar and his whereabouts, Evans said she had access to his calendar until her resignation.

Evans also claimed that ██████ made changes to her work after the August 30 conversation as well. Specifically, she stopped showing up to budget meetings. ██████ denied this.

When discussing his relationship with ██████ after the August 30 meeting, Evans also told Investigator that he has recently learned that ██████ has made past allegations of sexual harassment in previous jobs. He stated, "If I had known that she had a series of allegations out there, I wouldn't have hired her." ██████ denied that she has ever made an allegation of sexual harassment prior to this one.

2. ██████████ allegations of retaliation

a. ██████████ perspective

██████████ reported to Investigator that, during the time she worked for the Town, Evans made her uncomfortable. Specifically, she observed Evans' comfort level and interactions with ██████ and "was actively trying to prevent him from feeling that comfortable with [her]." When asked about what it was about Evans and ██████ relationship that she did not want to emulate, ██████ cited texts that ██████ received after hours. ██████ acknowledged that she did not have any information to suggest that the texts were inappropriate, but she did not want to interact with Evans outside of work.

██████████ reported that, sometime during the summer, Evans had suggested to her that he thought ██████ was uncomfortable around him. During the August 30 meeting, both ██████ and Evans recalled that ██████ specifically mentioned ██████ discomfort with Evans. After the August 30 meeting, ██████ reported that Evans completely cut her out of any work she had previously been doing. She attributed this change in Evans' behavior to his learning that she had reported feeling uncomfortable around him.

As an example of Evans' changed behavior, ██████ recalled that instead of asking her to edit statements, he would do it himself. ██████ also recalled:

[T]here was a ribbon cutting for the opening of Fifth Frame Brewing, and I went specifically for the purpose to take pictures to post on social media. ██████ and I were standing next to each other, myself with camera in hand, and Andraé came over to ask ██████ to take a group picture on an iPhone and didn't even look at me.

██████████ explained it was “literally [her] job” to take photos at events and that she had been standing right there with the camera.

██████████ also explained that she had been responsible for the supervisor@irondequoit.gov email. ██████████ confirmed that this had clearly been ██████████ responsibility and recalled several conversations in which she and ██████████ had discussed with Evans that ██████████ not Evans, would respond from that email address so as not to create confusion. ██████████ stated that immediately after the August 30 meeting, Evans effectively took that responsibility away from her, but did not explicitly tell her he was doing that. She explained:

The purpose of this was to ensure that all emails and inquiries were handled in a timely manner and that nothing got missed. We had had multiple conversations about this over my time with the Town because every once in a while, he would accidentally look through the inbox just opening the app on his phone and it would just open to that inbox, and then he would accidentally go through it, not realizing what he was doing. But he had recently been very good about not checking that inbox. After the conversation about the sexual harassment, Andraé started going through that inbox, responding to some emails and forwarding others to his personal Irondequoit email, his aEvans@irondequoit.gov email, which made it very clear to me that it wasn't accidental.

Like ██████████ ██████████ also cited Evans’ failure to run public remarks by them for input and editing as a change after the August 30 meeting.

██████████ resigned on September 9, 2024, with her last day on September 20, 2024.¹⁸ She explained,

¹⁸ Evans mistakenly recalled that ██████████ resigned prior to the August 30 meeting. ██████████ did not attribute her decision to resign to Evans’ behavior alone. She explained, “my mental health was just deteriorating because of the broader everything combined. But having to be on that type of schedule that I was on was not good for me. And it was just getting really bad. And so it wasn't getting better. And so it just wasn't sustainable.” This was primarily the reason she gave to ██████████ for her resignation and she did not tell ██████████ about any concerns regarding Evans when she resigned.

After I resigned, [Evans] didn't ever speak to me or acknowledge me directly in any way. At one point he sent a long email to [REDACTED] and [REDACTED] listing essentially his demands of [REDACTED] and myself during the transition. He never sent the email to me, even though ...a big chunk of it was just him requesting all of my files.

b. Evans' perspective

Evans acknowledged learning about [REDACTED] discomfort with him at the August 30 meeting but denied that his behavior toward her changed. He stated that he attributed [REDACTED] discomfort with him to "her mental health condition."¹⁹

Evans stated that [REDACTED] had become increasingly upset with Evans even prior to that meeting for unrelated reasons. He recalled one incident in July 2024 when an individual in a wheelchair had an accident and flipped their wheelchair outside of the community center. After watching video footage of the accident, Evans thought the circumstances looked suspicious and wondered if he was being "scammed." Evans recalled that [REDACTED] thought he was being a "typical toxic male by saying, 'am I being scammed?'" After that, Evans stated, "she just stopped talking to me. I didn't care. She barely talked to me to begin with."

Evans attributed any change in his working relationship with [REDACTED] to [REDACTED] increasingly distancing herself from him after that July 2024 incident, and to the fact that her work performance, in general, was consistently deteriorating during her time with the Town.

With regard to the allegation that he took away [REDACTED] responsibility to respond to the supervisor@irondequoit.gov email, Evans did not provide a direct answer to whether or not he took that job duty away from [REDACTED] he stated only that the responsibility for that email box ultimately rested with him:

[B]oth aevans@irondequoit.gov and supervisor@irondequoit.gov are both my emails. The only one that has an absolute right to either of them is me. As sole executive and elected

¹⁹ [REDACTED] was upfront with Investigator, as well as with Evans and [REDACTED] about a mental health condition. However, she did not indicate to Investigator that her condition had any bearing on her feeling of discomfort around Evans.

leader I am not staff or an employee. [REDACTED] and [REDACTED] served in exempt positions. It is my right to design to positions any way that meet the need of what I was elected to do within reason. They were my trusted advisors and confidants to get the work of the town done. I alone am responsible for my voice and the voice of the town. They may something [sic] but I have sole and final approval. I can delegate duties and task but never my responsibility.

D. Concerns Shared by Other Town Employees

In the course of this investigation, other Town employees who were interviewed as witnesses raised concerns about their own interactions with Evans and noted that he had made comments or engaged in conduct that they perceived as sexual and inappropriate and made them uncomfortable. To the extent those alleged behaviors and comments are similar in nature to the allegations raised by [REDACTED] they are described below.²⁰

Notably, this was not a topic on which there was a consensus among the witnesses. [REDACTED] [REDACTED] for example, stated that she has never felt “a drop” of sexual harassment toward her or to anyone around her from Evans.

1. Tendency to be “touchy-feely”

Several of the witnesses, including [REDACTED] and [REDACTED] noted that Evans has a tendency to be “touchy” with colleagues. [REDACTED] perspective on Evans’ “touchiness” with respect to *her* is discussed *supra* in sec.III.B.1.b. With regard to others, she stated: “He is a very expressive and touchy-feely person... [H]e is constantly showing affection to people in any manner that he possibly can, whether it’s a high five, a fist bump, calling people ‘bud,’ a hug, trying to connect with them and break down a level of professionalism.”

[REDACTED] stated that at charity balls and other events, Evans “would always tell us [REDACTED] and [REDACTED] that we looked beautiful and give us hugs.” [REDACTED] described

²⁰ As noted above, witnesses also raised concerns about Evans that are sufficiently dissimilar to the allegations raised by [REDACTED] to be outside of the scope of this investigation. Those issues have been separately conveyed to the Town Board through its counsel.

these as “full hugs” on three or four occasions at events. She did not experience this in the office.

██████████ ██████████ ██████████ has observed Evans hugging and touching people in the office. She stated, “He hugs, he touches a lot [of] people. That’s weird in a professional setting...It’s always hugs. It’s super chest to chest hugs, like pull your breast right into his chest, cheek on cheek. It’s not...professional even. It’s weird.” ██████████ continued, “it’s always touching. There’s always physical touch. It’s always borderline weird conversations.” By “borderline weird,” ██████████ explained that Evans tries “to make professional things personal.” ██████████ recalled that the first time she saw Evans after the election, after having met him once before, he gave her a hug, which made her uncomfortable.

Another witness, ██████████ ██████████ ██████████ reported that Evans has hugged her without asking her permission. ██████████ reported that Evans has also invaded her personal space, explaining, “he will literally go up to me if I’m sitting in the market seat and put his head over my shoulder to scare me.” She has also seen him “tap [a person’s] shoulder and then run[] to the other side like a child.”

When asked about hugging staff, Evans listed a handful of staff, which did not include ██████████ or ██████████ whom he regularly hugs and explained that he has a close relationship with each of them. He denied ever hugging anyone without asking permission. Evans acknowledged doing the shoulder tapping described by ██████████

2. December 2023 incident at Planning Board Workshop & Meeting

██████████ ██████████ is a ██████████ employee with the Town who ██████████ ██████████ In December 2023, before Evans was Town Supervisor, but when he was a member of the Planning Board, she reported to the then-Town Attorney that Evans had approached her after a meeting to introduce himself and had asked her if she was usually there alone during the meetings. In ██████████ report at the time, she stated:

I’m not assigning any specific intent or another to what was asked about me being alone at night in the basement while meetings occur, but I just wanted it on record because it

struck me as weird and I was uncomfortable being asked that question, especially in such a way.²¹

Evans had no recollection of this conversation.

3. Alleged incident at 4th of July Festival

The Town's annual 4th of July Festival was held on July 3 and 4, 2024 at the Town Hall. Multiple witnesses explained that after the first day of the festival, Witnesses ██████████ ██████████ and a fourth individual (a non-employee friend of ██████████) were finishing up for the night and saw Evans sitting on a bench near the Town Hall. They went over to talk to him and the group of five chatted for several minutes. ██████████ ██████████ and ██████████ all reported that Evans made them uncomfortable during that conversation.

██████████ recalled that the group started talking about the food that had been available at the event, including that this year's offerings had included hot dogs. She stated, "So we're having that conversation about the hot dogs and how much they cost and what size they are, and he just goes out of nowhere. 'Well, I got a big hot dog for you.'" ██████████ also recalled Evans saying, "I have a big hot dog." ██████████ recollection was that Evans stated, "I've got a big sausage for you."

██████████ described it as a "terrible, awkward conversation," and all the witnesses perceived Evans' comment as a sexual innuendo. ██████████ stated that this type of comment was not inconsistent with prior comments Evans had made in her presence, although she could not recall any specifically. She characterized Evans (and other unnamed men in the Town) as engaging in "locker room comments."

Evans denied this comment and stated it is not something he would say.

²¹ ██████████ also raised concerns about two other incidents in which she felt intimidated or threatened by Evans. Like the incident described above, neither of those incidents appear to relate to sex or gender. Once, she was sitting in the computer room, broadcasting a meeting, when Evans banged on the door to get in. On another occasion, Evans insisted that she let him into the control room, which ██████████ described as being in an isolated part of the Town Hall. ██████████ perceived these incidents as threatening. Certainly, it is reasonable to be startled and perhaps unnerved by loud banging, but her perception of the incidents as threatening was subjectively based, in part, on her erroneous belief that Evans has a history of sexual harassment. See *infra*, sec. III.D.5 for additional discussion of the perception that Evans has previously been accused of sexual harassment.

4. "Trunk or Treat" event

On October 25, 2024, the Town held its annual "Trunk or Treat" Halloween celebration at the community center. Witnesses ██████ and ██████ both reported that they interacted with Evans at the event, who was dressed as a demon. The costume included a necklace of fake bones and a belt of sorts with fake bones hanging down in the groin area.²²

██████ and ██████ reported that Evans made a provocative gesture toward them with the bones hanging around his waist. ██████ stated, "he literally takes the bones that are dangling in front of his groin area and jingles. It was very weird." ██████ recalled, "[H]e picked up the thing around his waist and twirled it around, but in front of his nether region, [said,] 'did you see my bone?' And twirled it around."

██████ told Investigator that ██████ and ██████ told her about the interaction shortly after it happened. She reported that they told her that Evans had "grabbed one of the bones that were around his waist and swung it around."

When asked about this interaction during his interview, Evans did not recall this interaction with ██████ and ██████. Following his interview, after speaking with his wife, Evans stated that he recalled having a brief interaction with them, but denied "swinging" the bones.

5. Employees' belief of past issues

Multiple witnesses indicated that their level of discomfort around Evans was caused by Evans' behavior as described above, but was exacerbated by their understanding of Evans having been accused of sexual harassment in the past. When asked for the basis of that understanding, witnesses indicated a vague understanding that Evans had been accused of sexual harassment when he previously worked for Monroe County, and that the alleged harassment had been the subject of litigation.

Evans denied that he has ever been accused of sexual harassment previously. He explained that he was involved in litigation with the County, and that the subject of the litigation was his own allegation of race discrimination. Investigator reviewed documents relating to Evans' past lawsuit, which confirm Evans' account that there was no allegation of sexual harassment against him.

²² See photo at Exhibits, p. 22.

V. Findings & Analysis

A. [REDACTED] Allegations of Sexual Harassment

The investigation supports a determination that Evans violated the Anti-Harassment Policy and the Sexual Harassment Policy with regard to [REDACTED] allegations of sexually inappropriate comments.

The investigation supports a factual finding that Evans' more likely than not made gender and sex-based comments as alleged by [REDACTED]. Although there were no witnesses to the comments, Evans admitted to several of them and other comments are supported by [REDACTED] contemporaneous accounts of the comments to other witnesses.

Evans admitted discussing [REDACTED] breasts with her. While Evans stated that this comment was in response to [REDACTED] own discussion of her breasts (which [REDACTED] denies) and that it was therefore not an unwelcome comment to her, Investigator notes that, regardless of what prompted the comment, it is inappropriate for a supervisor to discuss a subordinate's breasts with her.

Although he denied using the word "boinking," Evans also admitted suggesting to [REDACTED] that other Town employees might believe they were in a sexual relationship. [REDACTED] contemporaneous text message to her friend indicates that Evans more likely than not *did* use the word "boinking," and in any case, his own admission makes clear that he alluded to [REDACTED] that others in the Town might think that they were in a sexual relationship with one another.

Evans also admitted making a comment along the lines of, "you're cute when you're mad."

There were several comments to which there were no witnesses and that Evans denied. However, [REDACTED] told witnesses about the comments either contemporaneously or later on, with sufficient similarity to the allegations made, both in her written list presented to Evans in the August 30 meeting and in this complaint, as to lend them credibility. For example, [REDACTED] told [REDACTED] shortly after the Monroe County Executive Ball that Evans had made a comment about her legs, and later told [REDACTED] a similar account. [REDACTED] also told [REDACTED] about the Monica Lewinsky comment very shortly after it happened. [REDACTED] also told [REDACTED] and [REDACTED] about the "don't tempt me" comment. It was not unreasonable for [REDACTED] to ascribe that comment a sexual connotation given the context of that particular conversation (lounging by a pool)

and the more general context of Evans' other comments to her which were more explicitly sexual (*i.e.*, commenting on her breasts and talking about "boinking.")

The credibility of ██████ allegations is bolstered by the accounts of other Town employees, who reported that Evans has made other sexual innuendo-type comments and gestures that have made them uncomfortable. Although Evans' denied it, the "I got a big hot dog for you" comment at this year's 4th of July Festival was corroborated by three witnesses and, therefore, more likely than not occurred. This comment is also reasonably construed as a sexual innuendo. Similarly, two witnesses corroborated that Evans made a strange swinging gesture with the belt of bones that was part of his Halloween costume at this year's Trunk or Treat event. One witness reported that he also said, "did you see my bone?" which again is reasonably construed as a sexual innuendo. These comments, coupled with the multiple witnesses who recounted that Evans hugs staff and gets in their personal space in ways that feel unprofessional, suggest that Evans does not have an understanding of appropriate workplace boundaries when it comes to behavior and comments that can reasonably be perceived as sexual.

In determining whether the above-described comments constitute a violation of Town policy, Investigator notes that the Sexual Harassment Policy defines sexual harassment as conduct that exceeds "petty slights or trivial inconveniences" and further explains that "[s]exual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender." The Sexual Harassment Policy further states:

[W]hether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender...is considered a violation of Town of Irondequoit's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. **Not intending to harass is not a defense. The impact of the behavior on a person is what counts.**²³

²³ Exhibits, p. 5. Emphasis supplied.

Some of the comments reported by [REDACTED] are reasonably characterized as “expressions of a sexually suggestive nature,” such as the “don’t tempt me” comment and the comment about [REDACTED] legs. Other comments are not necessarily sexually suggestive, but make reference to [REDACTED] body and sexuality in a way that appears to be based on her gender. For example, the “you’re cute when you’re mad” comment could reasonably be perceived as minimizing or demeaning based on gender, given that “cute” is rarely if ever used as a descriptor of adult professional men. The Monica Lewinsky comment and the “boinking” comment cannot reasonably be construed as a sexual *proposition*, but the allusion, both times, to Evans and [REDACTED] being involved in a sexual encounter/relationship is nonetheless sexual in nature and nonetheless inappropriate. [REDACTED] herself did not perceive most of Evans’ comments as a sexual proposition; she believed that he was being careless with words and that his references to her body and attractiveness had the effect of minimizing her professionally.

Evans stated both to Investigator and to [REDACTED] that she misperceived his comments, which he did not intend as sexual. In fact, Evans stated multiple times that he viewed his relationship with [REDACTED] as paternal and familial (“like a daughter.”) Evans’ intent, however, does not change the fact that [REDACTED] reasonably perceived the comments to be related to her gender and sexuality. As stated in the Sexual Harassment Policy, “not intending to harass is not a defense.” Investigator finds that the alleged comments exceed the threshold stated in the Sexual Harassment Policy of “petty slights or trivial inconveniences.”

Finally, [REDACTED] allegations regarding Evans attempting to spend time with her outside of work and his communications with her outside of work do not factor into the determination that Evans violated the Policies. The evidence does not support a conclusion that Evans communicated with [REDACTED] outside of work in a way that was personal or inappropriate. [REDACTED] indicated that communications from Evans outside of working hours only unnerved her in the larger context of the sexually harassing comments, but that his communications did not, in and of themselves, strike her as sexual or inappropriate. There is also insufficient evidence that Evans tried to spend time with [REDACTED] for personal reasons outside of work.

B. ██████████ Allegations of Retaliation

The investigation supports a determination that Evans violated the Anti-Harassment Policy and the Sexual Harassment Policy with regard to ██████████ allegations of retaliation.

Retaliation is defined in the Sexual Harassment Policy as “any action by an employer or supervisor that punishes an individual upon learning of a harassment claim.” The Policy includes as examples, in a non-exhaustive list of the ways in which an individual might retaliate: “excluding [an employee] from projects to avoid ‘drama’” and “reducing work responsibilities.”

Evans’ own statements in the August 30 meeting, as articulated by both ██████████ and ██████████ suggest that he planned to change how he interacted with ██████████ as a result of her concerns. He told ██████████ that he planned to be “stoic” with her (a word he used repeatedly when discussing the August 30 meeting with Investigator) in contrast to their previously collegial relationship. Given Evans’ statements in the August 30 meeting, Investigator finds ██████████ allegations that he cut her out of meetings and communications that she otherwise would have been involved in to be credible.²⁴ Evans’ own descriptions of his work relationship post-August 30 further serve to support ██████████ allegations, such as his acknowledgement that he refused to come in her office to talk to her about a work-related issue, and his explanation that he needed to reassert the power differential between them, after having previously championed a “partnership” between them.

Evans also made a statement to Investigator suggesting a lack of understanding of the concept of retaliation and/or an inclination to retaliate when he explained that, had he known about past sexual harassment complaints made by ██████████ (against previous employers), he would not have hired her.

²⁴ Notably, Evans’ explanation for cutting ██████████ out of the Town’s response to the quadruple homicide that occurred on August 31, 2024 is implausible. Evans stated that he did not want to share confidential information with ██████████ because she had gossiped with ██████████. According to Evans, however, he had known for a week that ██████████ had shared the gossip, and yet Evans did not change the way he worked with or interacted with ██████████ until *after* the August 30 meeting.

C. [REDACTED] Allegations of Retaliation

The investigation does not support a determination that Evans violated the Anti-Harassment Policy and the Sexual Harassment Policy with regard to [REDACTED] allegations of retaliation.

The Town's policies prohibit retaliation against individuals who report an incident of harassment or discrimination, provide information or otherwise assist in an investigation of harassment or discrimination.

[REDACTED] allegation is that Evans changed the way he interacted with her and took job responsibilities away from her after the August 30 meeting, when he learned that [REDACTED] was "uncomfortable" around him.

The investigation does not support a finding that [REDACTED] either reported harassment or discrimination or assisted in an investigation of harassment or discrimination prior to her resignation from the Town. [REDACTED] expressed to [REDACTED] who relayed to Evans on August 30, only that she was "uncomfortable" around him, but she did not connect that discomfort to an allegation of discrimination or harassment. Moreover, it is not clear that August 30 was the first time that Evans learned of [REDACTED] discomfort around him, as [REDACTED] recalled that issue coming up in conversation with Evans earlier in the summer.

The investigation does support a factual finding that Evans removed some job responsibilities from [REDACTED] in or around late summer and early September, such as reviewing statements to the press and responding to the supervisor@irondequoit.gov email address. However, it is plausible that this was the result of a generally deteriorating working relationship between the two. During the course of this investigation, Evans made a number of comments suggesting several reasons he found working with [REDACTED] troubling or uncomfortable, including her (in his view) poor work ethic and her political stance/worldview (Evans noted that [REDACTED] called him a "typical toxic male" and "made repeated comments about wanting to tear down the male patriarchy," for example). The investigation does not support a conclusion that Evans' changes to [REDACTED] job duties were the result of an express or implied allegation of discrimination or harassment.