



Maine Human Rights Commission

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INVESTIGATOR'S REPORT
MHRC Case Number: E17-0210-A, B, C
August 21 2018

Cynthia L. Moody (Harpwell)

v.

**The Brothers of Christian Instruction (Alfred),
Commissioner Joseph Fitzpatrick/Maine Department of Corrections¹ (Augusta), &
James W. Boddie (Alfred)**

I. Summary of Case:

Complainant, a former inmate, alleged that Volunteer, an individual who volunteered for the Brothers, unlawfully interfered with her rights under the Maine Human Rights Act ("MHRA") by sexually assaulting her. Complainant also alleged that the Brothers, the owner of the premises where the assault occurred, and Department, a department of the State of Maine, subjected her to a hostile work environment based on sex by failing to adequately protect her or respond to Volunteer's harassment. Volunteer denied that he sexually assaulted Complainant; the Brothers and Department argued that Complainant failed to establish a basis for their liability with respect to the alleged harassment. The Investigator conducted a preliminary investigation, which included reviewing the documents submitted by the parties, issuing requests for additional information to the parties, and holding a Fact Finding Conference ("FFC"). Based upon this information, the Investigator recommends a finding that there are reasonable grounds to believe that Volunteer unlawfully interfered with Complainant's rights under the MHRA, but no reasonable grounds to believe that the Brothers or Department subjected Complainant to a hostile work environment.

II. Jurisdictional Data:

- 1) Dates of alleged discrimination: April 2016 to July 2016.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): May 5, 2017.

¹ Complainant named the second respondent as "Commissioner Joseph Fitzpatrick/Maine Department of Corrections" ("Department"); Department stated that its legal name is "State of Maine, Department of Corrections". Complainant did not include any allegations specific to Commissioner Fitzpatrick ("Commissioner") in his individual capacity, nor did she provide any facts to indicate he was involved with the events at issue in this case. Accordingly, the Investigator believes Complainant intended only to name the entity – Department – and not the Commissioner as a party. Because Complainant did not amend her complaint, the name she used for Department has been retained. For ease of reading, the Investigator will refer to "The Brothers of Christian Instruction" as the "Brothers", "James W. Boddie" as the "Volunteer", and all three respondents collectively as, the "Respondents".