

## Mayor accused of improper behavior

**Harakal** touched women without permission, made explicit comments, according to filings with state HR commission

### whitehall township

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**Body Text:** Within a few days of starting her job as human resources officer for Whitehall Township in 2018, Ashley Nischan noticed what she describes as questionable behavior by Mayor Michael **Harakal** Jr.

"He came into my office and said, 'Well that's an interesting blouse you're wearing,' and he was looking at my breasts," said Nischan, who left her position in Whitehall in February and has since moved out of state.

It was a troubling start to what Nischan said in an interview was a dream job spoiled by **Harakal**'s alleged unprofessional behavior and the township's poor response to complaints by Nischan and two other women.

Nischan and the two other women through interviews with The Morning Call and complaints filed with the Pennsylvania Human Relations Commission accuse **Harakal** of inappropriate behavior that included invasion of their personal space, touching them without permission, asking inappropriate personal questions, making sexually explicit comments and taking women employees for drives in his personal vehicle to isolated locations.

Nischan and two of the other women, who asked to remain anonymous because they fear retaliation, said in interviews they felt **Harakal**'s actions were unprofessional and made them feel afraid, prompting one of the women to lodge a stalking complaint against **Harakal** with the Lehigh County District Attorney's office.

The complaints allege the mayor's actions and the township's response were discriminatory, said Allentown attorneys Jeff Fleischaker and Steven Bergstein. Fleischaker said a fourth woman has come forward with similar allegations but has not filed a complaint with the PHRC and was not ready to discuss her experiences with a Morning Call reporter.

**Harakal**'s alleged misconduct affected many women working for the township, the women who agreed to be interviewed said.

"The ones that we have talked to are scared to death. It's their livelihood," Bergstein said.

One of the women who asked not to be identified said they're speaking out with the hope that it will stop the harassment of others.

"You can't be professional in a situation like this," she said. "All we want to do is be respected and do our jobs."

**Harakal** referred an interview request to a lawyer who said the township has thoroughly investigated the women's claims and found them to be meritless.

"Those issues will be addressed in court. We

believe that's the appropriate forum," attorney Steven Hoffman said.

Board of Commissioners President Philip Ginder said he's aware of the women's allegations but said he could not discuss them because of the PHRC complaints. He said the township responded promptly by hiring an outside attorney to investigate.

"When you hear of this stuff going on you certainly don't put it on the back burner," he said.

The women's lawyers noted that the township investigated only after forcing **Harakal** to approve the investigation, as required by the township's prior harassment policy. It appointed attorney Ed Easterly, a partner of Hoffman, to conduct interviews. He produced a report last November that commissioners were allowed to read but not keep, Ginder said, and a set of recommendations.

In addition to the revision of the township's harassment policy and providing sexual harassment training to employees including **Harakal**, the recommendations included protocols specifically to address **Harakal**'s behavior, according to the complaints.

The recommendations, according to the complaints and copies provided to the women, said **Harakal** should be prohibited from taking female employees on rides in his vehicle unless required for township business, holding closed-door meetings alone with female staff members and touching or invading the personal space of female employees. They also said **Harakal** should be instructed not to go behind the desk of any employee unless asked to do so and to abide by social distancing requirements.

The women interviewed for the investigation were not permitted to read the report but were required to formally acknowledge and sign a copy of the recommendations, the PHRC complaints say.

**Harakal**'s conduct continued throughout Nischan's three years with the township, she said, recalling a time last year when he stopped her as she left a meeting.

"He's looking at me and says, 'You are just amazing. Will you leave your husband for me?' " Nischan said. "I thought he must be joking but he was stone-dead serious."

Nischan and her attorneys say the township failed to act on the recommendations until after her complaint was filed in May. Meeting minutes show a bill to revise the township's harassment policy was introduced in July and approved at the board's Aug. 9 meeting. Ginder said the administration was instructed to provide sexual harassment training but did not know when that happened.

The township ordered a second investigation this year in response to the stalking complaint that resulted in a similar list of recommendations for the mayor, according to the PHRC complaints.

Commissioner Vice President Joseph Marx also declined to discuss the allegations against **Harakal** but said he takes them very seriously.

"If the outcome of the investigation and litigation is unfavorable to the township, I will see the perpetrator is held accountable, that being the mayor," said Marx who ran against **Harakal** and lost in the May 2019 primary.

"Accountability to me is I think he loses his ability to govern. I think it would be best if he step down from his position for the good of the township," Marx said.

**Harakal**, 72, was appointed mayor in 2017 to complete Ed Hozza Jr.'s term when he left for a job in Lehigh County administration. **Harakal** was elected to the post in 2019. It's his second stint leading the township, having served from 1984 to 1992 as executive, a position equivalent to mayor predating the township's home rule charter. **Harakal** also served as a volleyball coach at Whitehall High School.

Nischan said in the interview that **Harakal**'s public persona is grandfatherly but in the township offices, women took measures to keep him away. Many positioned chairs and tables to block the space behind their desks to keep **Harakal** out, the PHRC complaints say.

The second woman who asked not to be identified said in an interview she experienced **Harakal** standing over her as he looked at a document on her computer screen. While in close proximity, **Harakal** touched her in an unwelcome way.

Her colleague said **Harakal** didn't harass her physically but subjected her to disparate and demeaning treatment in the workplace. **Harakal** would point out her late arrival to meetings when it was established that she would arrive after the meeting started due to family commitments. Male employees who arrived late were not chastised, her PHRC complaint says.

During meetings she attended, **Harakal** called on employees to tell inappropriate jokes and told the woman that she was asked to attend, "not for her knowledge and experience, but because of her looks and appearance," the complaint says.

The women's complaints also say **Harakal** called women employees "what's her name," while addressing male employees by their correct names.

"If I was the only female in the meeting he would call on me to take the notes even if there were people subordinate to me in the meeting," she said. "You feel like you have worked for nothing. You are treated like an object."

Nischan said in her interview that not long after she started working for the township, **Harakal** stopped her in the parking lot of the municipal building and asked if she had had a tour of Whitehall. She said she had been given tours of previous employers' facilities, and **Harakal**'s question didn't seem unreasonable, so she got into his car.

When **Harakal** turned off MacArthur Road onto Lehigh Street and into a residential area, she began to feel uneasy, she said.

"Immediately I was scared. I thought I didn't know where we're going. I didn't have my phone with me and I have no way to call if something happens," Nischan said.

**Harakal** drove into a field and parked, she said.

"He's just sitting there with me. I was panicking," Nischan said.

After several minutes, **Harakal** started driving again until he stopped in a parking lot at a township park. **Harakal** sat and asked Nischan questions about her friends and other personal information until she asked him to take her back to her car.

"It just shook me. It felt really inappropriate," she said.

Nischan said **Harakal** frequently came to her office and asked for hugs. She said she questioned herself about what would happen if she refused.

"This job really meant something to me. It really was a career goal for me," Nischan said. "If I don't let this guy hug me, is he going to fire

me?"

She said in the interview **Harakal** also stood over her behind her desk touching her arms and shoulders.

"It was as if he didn't understand the boundary between personal and professional," Nischan said.

The first woman who asked not to be identified said in her interview that **Harakal** also took her for a ride in his car. After repeatedly asking if she had seen his wife's flowers, **Harakal** walked her out to the parking lot and toward his car.

"At that point, you freeze. You don't know what you're going to do," she said. "I've got a mortgage. I got in the car."

After stopping at the public works garage to put gas in his vehicle, **Harakal** drove the woman to his home, the woman said.

The woman's PHRC complaint says a pair of incidents in which **Harakal** followed her to a grocery store prompted the woman to complain to township police and the district attorney's office in December 2020 that she felt **Harakal** was stalking her.

The woman said in the interview that she left the municipal building at lunchtime to run to a grocery store. While she was driving through her neighborhood, she saw **Harakal** driving in the opposite direction. He had already passed the turn to get to the grocery store, so the woman said she believes **Harakal** turned around and followed her.

Minutes after the woman arrived at the store, she saw **Harakal** in the same aisle as her. **Harakal** said he was there to return something for his wife, but had nothing in his hands, the woman said.

"I promptly left the store. It freaked me out so much," she said.

The next day, the woman tried to return to the store on her lunch break. Leaving the office, she saw that **Harakal** was on his phone, but scarcely a minute after she arrived at the store, **Harakal** was there too.

"It was blatantly obvious that he was, for lack of a better term, stalking me," she said in the interview.

The woman said Nischan was concerned after those incidents and consulted the police chief, who recommended that the woman talk to a Lehigh County detective. After her meeting, the woman said the detective determined that **Harakal**'s conduct didn't rise to the level of a crime. Although the detective produced a report, the woman said she has not seen it and the detective told her it could be obtained only with a subpoena. District Attorney Jim Martin said he had no comment about her report.

The woman made a complaint to the township human resources department about **Harakal** following her to the store in January. The township again hired Hoffman and Easterly's firm to investigate. The firm recommended that **Harakal** only speak with the woman about work-related matters and avoid her outside of the workplace. It also recommended that he only speak with her by phone and not have one-on-one meetings with her.

After the two investigations, Nischan appeared in March before the township commissioners in a closed-door meeting where she read a lengthy statement and provided what she believed were pages of evidence of misconduct, begging the commissioners to protect township employees from further harassment, her lawyers said. By making their stories public, Nischan and the other women hope the township will hold **Harakal** accountable.

"I just don't want any more women to have to go through these circumstances," the woman who made the stalking complaint said. "I want to be able to go to work and not always have to be on guard when he comes near."

Morning Call reporter Peter Hall can be reached at 610-820-6581 or peter.hall@mcall.com.

**Caption: Harakal**

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