

# Complaints Investigation Unit Evaluation

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## Full Report

Department of County Management  
Evaluation and Research Unit  
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# Executive Summary

The Complaints Investigation Unit (CIU) was established in 2019 in Multnomah County as a resource to investigate protected class complaints and policy violations within the County workforce. The creation of CIU was recommended by the [Jemmott Rollins Group](#), a consultant hired by Multnomah County in 2018 to examine how the organization's human resources policies and practices affect employees of color. Recommendations from their report, including the establishment of the CIU, were adopted into the County's first [Workplace Equity Strategic Plan](#) (WESP) as the "Focus Area 5" addendum in early 2019.

CIU provides a centralized location for Multnomah County employees to file protected class complaints. Before the creation of the unit, each department conducted its own investigations, which led to inconsistent practices and outcomes across the organization. A primary goal of establishing CIU was to provide a consistent resource for reporting, investigating and creating accountability for allegations of these workplace violations.

County leadership asked the Department of County Management [Evaluation and Research Unit](#) (ERU) to evaluate the CIU process to assess the progress of the CIU process and goals, as well as the strengths and areas for improvement of the CIU process. Please see the [CIU Evaluation Commons page](#) for more resources.

As part of the evaluation, the ERU:

- Conducted interviews with key interest holders and CIU participants
- Organized focus groups with leaders and members of County Employee Resource Group and Union leaders
- Developed and released a survey gathering the experiences of employees that have engaged with the CIU process
- Gathered best practices of workplace investigations from professional organizations and state and federal agencies, including attending online trainings related to workplace investigations
- Reviewed documentation related to the development of CIU
- Analyzed CIU case management data, integrated with employment data from Workday
- Compiled results from other County analyses, such as the Countywide Employee survey.

Taken together, these data collection methods yielded qualitative and quantitative data that was used to understand and identify both strengths and areas of improvement for CIU.

## Results

Results of interviews, focus groups and the employee survey revealed several distinct strengths of CIU. Employees appreciated having the CIU as a resource for holding accountable

employees and managers who violate workplace policies based on protected class. Some employees, for example, contrasted the centralized CIU structure with the previous department-by-department model of conducting investigations, sharing their preference for the current system.

Employees expressed admiration for CIU staff and investigators, who many commented were well qualified for their roles and carried a professional and caring demeanor. Staff also shared they felt heard by CIU investigators and that their concerns were taken seriously.

Despite these strengths, many employees — at least half of interview and survey participants — also shared that they did not trust or feel safe during the CIU investigation process. Although a majority of respondents said they would recommend CIU to a colleague if necessary, a portion of these responses indicated that they would do so because they are obligated to refer a coworker to the unit if they are being harassed or discriminated against. Employees reported fear of retaliation, concerns about biased investigations and the stressful nature of investigations as the sources of mistrust and feeling unsafe with regard to the investigation process.

Interview, focus group, and survey participants identified several dimensions of CIU they felt needed improvement. Many employees noted a lack of communication regarding the progress of their investigation. Staff who had been involved in an

investigation often had to check in with their manager, department HR or equity manager, or even reach out to CIU themselves, to inquire about updates. A lack of communication contributes to the feeling of further unease during an already-stressful experience.

Some employees and department leadership were concerned about the length of CIU investigations. According to some accounts and corroborated by the ERU's review of CIU case records, investigations could last up to and even over six months. However, our analysis of CIU case management data for this evaluation showed investigation lengths have steadily decreased since the inception of the unit, with investigation averaging under 90 days in 2024, down from a peak average of 153 days, showing that the CIU has made substantial recent strides in improving the time it takes to complete an investigation.

Staff were also concerned that CIU investigations can be weaponized against employees, believing that complaints could be filed not to seek accountability, but rather as a means to cause harm and distress to another employee. For this report, the ERU reviewed a 2023 Office of Diversity and Equity analysis that showed some evidence of the CIU process being weaponized, in particular against Black and African American managers, who received complaints at a higher rate than white managers. Further analyses that looked into if involvement in a CIU investigation led to a higher rate of separations from Multnomah County found that Black and African American

employees who were accused of discrimination and harassment in a CIU complaint were more likely to separate from Multnomah County than Black and African American employees at Multnomah County overall. No other race and ethnicity group shared this trend. Although there are many reasons that an employee may leave Multnomah County, this analysis may indicate the lasting effects of being involved in an investigation for Black and African American employees at Multnomah County.

Crucially, the results of this evaluation as a whole point to broader concerns with Multnomah County's organizational culture, the downstream effects of which intersect with the purpose, perceptions, and potential impacts of the CIU. The data gathered by the report — and the qualitative data in particular — suggest a workforce that often sees the CIU as a tool of last resort, is unsatisfied with how managers or HR handle interpersonal conflict, and whose Black and African American employees are put through the investigation process more often than their countywide peers and are more likely to separate from the County. These results echo those found in other work performed by the ERU (including the [Countywide Employee Survey](#) and [Employment Trends](#)), the development of the Workforce Equity Strategic Plan, and other departmental projects.

## Recommendations

Although the Complaints Investigation Unit's practices generally align with

best practices prescribed by professional organizations related to human resources and workplace investigations, we recommend several changes to address some of the issues raised by employees during this evaluation.

First, hiring an additional CIU investigator would help reduce caseloads and shorten the length of investigations. While CIU investigations are stressful for involved employees, they are also trying for investigators as well. An additional investigator may help reduce the stress placed on investigators.

The adoption of a case management system could support a reduction in investigation times, in part by aiding in scheduling interviews, while also improving communication to people involved in an investigation about its progress. A case management system would also contribute to more data-driven decisions regarding CIU investigations and may help to identify specific divisions or employees across Multnomah County that have been involved in many CIU investigations by streamlining data management allowing increased capacity for more robust and technical analyses.

Some employees also expressed a desire for more options using a restorative justice approach in addition to conventional CIU investigations. While CIU already has one conflict and resolution coordinator position dedicated to leveraging restorative justice practices and facilitating mediation, coaching and education, one employee may not meet higher

demand. Therefore, we recommend adding at least one additional conflict and resolution coordinator position to the CIU. The CIU's capacity to offer more restorative justice options may also be increased by partnering with County entities like Central Human Resources' Organizational Learning team or collaborating with existing resources within departments.

These restorative approaches can benefit teams and work units too, as the stress and other effects of an investigation often ripple beyond the individual employees involved in the process. Managers often shared concerns that they did not know how to continue managing their employees during an ongoing investigation. More resources to support these managers and work units would help to alleviate any potential damage to work environments and cultures a CIU investigation may cause while also helping prevent future behaviors and conflict that lead to CIU investigations.

The CIU also made several changes in the window the ERU worked on this report that coincided with several of the evaluation's recommendations, particularly concerning process improvements related to communication and transparency. Documentation is now provided to employees involved in CIU investigations that explains what to expect during the process and the next steps. Additionally, the process was expanded to include a Post-investigation Meeting that convenes the CIU investigator, a department HR representative and the Responding Party's supervisor to

recommend a path of corrective action and discuss next steps. This helps coordinate the involved parties and promotes a shared, aligned path toward accountability.

The CIU also underwent a structural change in the interim when the program was moved from reporting to the Chief Operating Officer to reporting to the Chief Human Resources Officer, while remaining a non-departmental office. This change in reporting structure allows for more coordination and collaboration between related human resources functions and personnel, such as the Organizational Learning team.

Finally, the CIU does not exist in a vacuum, but rather at the intersection of County policies, legal protections, interpersonal dynamics and organizational culture. Most often, the CIU is engaged to address the tail end of conflicts that have already occurred and remain unresolved, despite other avenues and interventions the County ostensibly has in place. In this way, the unit's core task has become to help resolve the symptoms created by a workplace culture in need of improvement.

Multnomah County should continue to evolve and improve its organizational culture toward a workplace that interrupts and eliminates the situations and conditions driving the need for a program like the CIU. This would require substantive and meaningful shifts across the County, including a renewed emphasis on leadership modeling and equipping managers and employees to build accountability,

resolve conflict, maintain effective working relationships and create more cohesion.

Various initiatives — such as the implementation of the Workplace Equity Strategic Plan, training and onboarding for new managers and employees, departmental work to address their employees' needs, and numerous human resource policy improvements — can contribute to an improved culture. But this foundational concern may benefit from a more focused, coordinated effort to align existing strategies, as well as develop and resource additional approaches, that are expressly designed to create these desired workplace conditions. That could begin with the creation of a workgroup to organize and prioritize this body of work.



# Introduction

The Complaints Investigation Unit (CIU) was developed as a resource for Multnomah County employees to increase safety, trust and belonging within the organization. More specifically, the role of the CIU is to conduct investigations into allegations of discrimination and harassment on the basis of an individual's protected class. These protected classes include identity characteristics of an employee including, but not limited to, an employee's race and ethnicity, gender identity, sexual orientation, disability status, age, veteran status, family status, religion or national origin.

## Purpose of the Evaluation

The goal of the evaluation was to assess the progress of the CIU's development. The evaluation is framed around these questions:

1. What are the goals of the CIU?  
Is the CIU achieving or making progress toward those goals?
2. What are the strengths of the CIU process? What improvements can be made to the CIU process?
3. What is the experience of those that were involved in the CIU process?

The Department of County Management's Evaluation and Research Unit (ERU) led this evaluation at the request of the Office of the Chief Operating Officer. The ERU engaged key interest holders throughout the evaluation, including County leadership (Chief Operating Officer, Deputy Chief Operating Officer, Chief Human Resources Officer, Chief Diversity and Equity Officer, and the CIU manager). Additionally, a subcommittee of the Survey Advisory Group — made up of employees from departments across the County, including departmental equity staff, union-represented members and non-represented employees, and employees who participate in Employee Resource Groups — provided counsel on the design of the evaluation, what questions to include, the wording of questions, participant recruitment, interpretation of results, and communication of results and recommendations.

## Glossary of Terms

- **Harmed Party** - The employee who was the recipient of the alleged harassment of discriminatory behavior.
- **Reporting Party** - The employee that reported the act(s) of discrimination or harassment to CIU. In many cases, the Harmed Party and the Reporting Party are the same employee, but since a claim can be submitted on behalf of another employee, the Harmed Party and the Reporting Party could also be different individuals.
- **Responding Party** - The subject of the complaint and the employee who is accused of engaging in harassment or discrimination of the Harmed Party.
- **Witness** - An employee who observed the incident(s) and behavior being alleged by the Harmed Party.
- **Inquiry** - A complaint that is filed with the CIU. An inquiry then undergoes an intake process, which includes an interview with the Harmed Party to better understand the complaint. A decision is then made as to whether the inquiry will move to an investigation or another outcome, such as referring the inquiry to department HR.
- **Protected class** - Groups or identities of individuals with shared demographic characteristics that are protected by federal law.
- **Intake Summary and Recommendations (ISR)** - The ISR is a brief report produced after the intake interview detailing the next steps of the CIU case — specifically, whether the case will proceed to an investigation or will be handled by department HR.
- **Substantiation** - A determination that the claims made by the Harmed Party occurred.
- **Post-investigation Meeting** - After a CIU claim is substantiated, the Post-investigation Meeting is held between the CIU, department HR and the Reporting Party's supervisor to make a recommendation of the appropriate corrective action. Equity managers often attend the Post-investigation Meeting, but their attendance is not mandatory.
- **Protected Class Committee** - A group consisting of the Chief Operating Officer, Deputy Chief Operating Officer, department director of the employee(s) involved in the investigation, CIU investigator, department HR, Labor Relations, the Office of Diversity and Equity, and a County attorney. The Protected Class Committee determines any follow-up action necessary after the CIU investigation concludes.

# Background

## Development of the CIU

The Complaints Investigation Unit (CIU) was established in 2019 as a centralized function within Multnomah County to investigate protected class complaints filed by County employees. Prior to the CIU, protected class complaints were handled by each department's own Human Resources (HR) unit, which led to inconsistencies in how these complaints were handled across the organization, creating an uneven administration of accountability for those committing protected class violations.

Furthermore, there were several high-profile incidents involving separations of prominent County employees of color in the lead-up to the creation of CIU. In the aftermath of these events, Multnomah County sought out a consultant to review and examine how the County's human resources policies and practices affected employees of color, with the goal of building a work environment where all employees felt included. The Jemmott Rollins Group was awarded the contract and released their [report](#) in 2018.

Concurrently, the organization was developing its first [Workforce Equity Strategic Plan \(WESP\)](#) to promote Multnomah County's equity efforts

and address potential barriers to achieving its equity goals. The plan was adopted by the Multnomah County Board of Commissioners in April 2018, then amended by the Board in January 2019 to include the Jemmott Rollins Group's recommendations.

Within the Jemmott Rollins Group report, and included in the amended WESP, was a recommendation to establish a centralized, independent unit under the Chief Operating Officer (COO) as a non-departmental office to handle protected class complaints. This unit was recommended to be staffed by a diverse set of skilled investigators trained in best practices of conducting protected class complaint investigations with an orientation toward equity and inclusion.

An interim process in which all protected class complaints were reported to and handled directly by the COO's office was implemented during the time that both the Jemmott Rollins Group report and the County's WESP were in development. This arrangement then evolved into the establishment of the Complaints Investigation Unit in August 2019. Per the Jemmott Rollins Group and WESP recommendations, the CIU was set up as a non-departmental unit that reported to the COO, allowing protected class complaints to be investigated outside of department HR units. As of April 2024, however, the CIU has

been restructured to report to the Chief Human Resources Officer while remaining a non-departmental unit, and is intended to serve all departments in Multnomah County except for the Sheriff's Office, which conducts their own investigations through the Internal Affairs Unit.

The Jemmott Rollins Group report recommended that the complaint process undergo routine evaluation to assess its effectiveness and identify improvements. The 2024 [Workforce Equity Strategic Plan \(WESP\) Renewal](#) included a benchmark recommending the Evaluation and Research Unit conduct an evaluation of CIU and the complaints investigation process every three years.

## CIU Investigation Process

The following is a synopsis of the CIU investigation process. The process is also described on the [Complaints Investigation Unit Commons page](#) in multiple formats, including a brief written description, a video, and an infographic.

First, a protected class claim is submitted to the CIU. There are multiple ways to submit a claim, including in person, through an online form, or by contacting the CIU directly via phone or email. Claims can also be submitted, in any format, to Human Resources or any manager or supervisor. A claim can also be submitted on behalf of

another employee; it is not required that the claim be submitted by the employee who experienced the harm.

Once the claim is submitted, the CIU will assign an investigator to the case and contact the Reporting Party to schedule an intake interview. At the intake interview, the investigator assigned to the case will discuss the claim and learn more details about the incident(s).

After the intake, the CIU investigator will determine whether a personnel rule or employment law was potentially violated and recommend a direction for the case. The options for the case include mediation, coaching, referral to department HR, or a CIU investigation. In order for the CIU to investigate there must be reason to believe the employment harm is connected to the protected class. A case can also be closed if the Responding Party has left the County. If a determination is made after intake that a CIU investigation is required, both the Reporting Party and the Responding Party are notified. If a CIU investigation is not required, department HR determines next steps and the Harmed Parties are notified.

If a case proceeds to an investigation, the investigator assigned to the case will begin procuring evidence. This includes interviewing witnesses provided by both parties; gathering documents such as emails, chats, or other written forms of communication; and

reaching out to other parties that may have information on the case, such as HR personnel. A CIU coordinator will schedule interviews with relevant parties and witnesses, and the investigator will conduct interviews.

Although each case is assigned one investigator, the CIU team meets as a group on a regular basis to discuss the cases they are handling. This group discussion is used to provide investigators with multiple, differing perspectives on their respective cases to help prevent the potential bias resulting from a single investigator, and to make sure investigations are as thorough as possible.

After all the evidence has been collected, the investigator will review the case and write an investigation report. This report details the evidence and makes a determination on whether a personnel rule has been violated.

If the investigation determines that the claim is substantiated — meaning that there is a preponderance of evidence that a personnel rule has been violated — a Post-investigation Meeting is scheduled. This Post-investigation Meeting includes the CIU investigator, department HR of the employee(s) involved in the investigation, and the Responding Party's manager. Equity managers often attend this meeting, although their attendance is not consistent across departments. Meeting

participants discuss the case and recommend a corrective course of action. This meeting also aligns the Responding Party's manager and department HR to facilitate any possible corrective action as determined by the Protected Class Committee in the next step.

Next, the Protected Class Committee meets to discuss the case. This committee consists of the Multnomah County Chief Operating Officer, Deputy COO, the department director and department HR of the employee(s) involved in the investigation, Labor Relations, a representative of the Office of Diversity and Equity, and the County Attorney's Office. The role of the Protected Class Committee is to review the CIU investigator's report, consider the course of action recommended from the Post-investigation Meeting, and decide the corrective action necessary, which may include mediation, coaching, suspension or termination, or another form of disciplinary action. This decision is usually reached via consensus.

Department HR and the Responding Party's manager will then coordinate to administer the corrective course of action. The CIU notifies the Reporting Party of the outcome of the case and investigation and shares their report. However, specific details of the corrective action are not shared with the Reporting Party due to confidentiality considerations.

# Best Practices for Workplace Investigations

## Practices Used or Recommended by Public Agencies and Professional Associations

Every claim of discrimination or harassment is unique and every investigation follows its unique course. However, there are best practices that guide all workplace investigations, even if they are tailored to unique circumstances.

The Oregon Bureau of Labor and Industries (BOLI) provides a statewide standard for workplace investigations. In addition to discrimination in the workplace, BOLI investigates many other types of workplace complaints, including wage disputes, overtime, sick leave and safe working conditions. The BOLI investigation process is briefly described on [their website](#).

An employee or their legal representation may submit a case online to BOLI. The submission is reviewed by an intake officer. If it is determined that the case is a violation of employment rights, it is then formally filed as a complaint and the bureau begins an investigation.

A BOLI Senior Civil Rights Investigator conducts the investigation, which consists of interviewing the complainant and giving the opportunity for the responding party to provide a statement within 14 days of receiving notification of the complaint. The investigator then conducts interviews and gathers evidence.

After evidence is collected, the investigator determines whether there is enough evidence to substantiate the case; otherwise, it is dismissed. “Substantial” evidence is defined as “evidence that would lead a reasonable person to believe the Complainant’s claims are true.” If a case is substantiated, it is referred to BOLI’s Administrative Prosecution Unit to review the details of the case and determine any appropriate action.

It should be noted that at the time someone submits a complaint, BOLI cautions them that investigations can take up to one year to complete. They also list out the rights a complainant has during an investigation, including the right to have a representative sit in when interviews with supervisory employees are conducted. There is also an option to make a no-fault settlement with the other party in the complaint, which is primarily used for cases that involve monetary compensation. Investigator contact information is also provided. Upon the conclusion of the case, a request

can be made to obtain a copy of the case file, although there is no right to appeal the decision.

The United States Equal Employment Opportunity Commission (EEOC) also allows employees to submit complaints. Their webpage provides an [overview of their complaint process](#), as well as information on [quality practices for effective investigations](#).

Notably, the EEOC has 180 days from the complaint filing date to complete their investigation, at which point the complainant can request either a hearing before an administrative judge or that the agency deliver their ruling. In either scenario, the ruling can be appealed.

The Association of Workplace Investigators (AWI) is a professional association for those who conduct workplace investigations. AWI publishes a list of 11 guiding principles for conducting workplace investigations, most recently revised in 2020, and can be found on the [AWI website](#). The guiding principles are:

1. Decision to Conduct an Investigation: An employer should consider initiating a workplace investigation when indicated by law, policy or practice.
2. Choice of Investigator: The investigator should be impartial, objective, and possess the

necessary skills and time to conduct the investigation.

3. Scope of Investigation: The employer and the investigator should develop a mutual understanding of the scope of the investigation, meaning the issues to be investigated.
4. Investigation Planning: The investigator should engage in planning for an effective investigation, including planning which witnesses should be interviewed and in what order.
5. Communicating with Employer Representatives and Witnesses: A determination should be made with whom the investigator will communicate about the investigation, taking into consideration issues of privilege and potential conflicts of interest.
6. Confidentiality and Privacy: The investigator should take steps to safeguard the confidentiality of the investigation without guaranteeing anonymity or complete confidentiality.
7. Evidence Gathering and Retention: The investigator should gather relevant evidence.
8. Witness Interviews: There are many effective ways to conduct witness interviews. The investigator should create an environment that maximizes the likelihood of obtaining reliable information and should



document (either through notetaking and/or recording, or some other method) the witness' statements in a reliable and consistent fashion.

9. Documenting the investigation: The investigator should document the steps taken during the investigation, the evidence collected, and the investigator's decision-making process, so that there is a reliable record to support the investigator's findings.
10. Investigation findings: The investigator's findings should be consistent with the scope of the investigation, as defined by the employer.
  - a. One important note under guiding principle 10 is that the evidence standard of "a preponderance of evidence" is appropriate, which AWI defines as "after weighing all the evidence, whether it is more likely than not that the alleged wrongdoing occurred."
11. Reports: If requested by the employer, the investigation should provide a report to the employee at the conclusion of the investigation

The Society of Human Resources Management (SHRM), an association for human resources professionals, provides a list of [proper practices of workplace investigations](#) — many of

which overlap with BOLI's investigation processes or AWI's guiding principles. For example, one SHRM practice shared by both BOLI and AWI is to promptly investigate an allegation of misconduct. SHRM points out that investigations that start within a day or two of the complaint, and are completed within two weeks, are typically upheld in courts as timely.

Other practices identified by the SHRM include choosing an objective neutral investigator that does not play a supervisory role with either party in the complaint. This investigator should also conduct a thorough investigation, documenting evidence and facts without providing opinions or conclusions. The investigator should interview both parties, as well as all witnesses identified by either party, while maintaining confidentiality of all interview participants. The SHRM suggests having interview participants sign written statements after reviewing the investigator's notes from the interview.

The group also recommends a "preponderance of evidence" standard for coming to a conclusion about a complaint investigation. While the SHRM does not provide a specific definition of what "preponderance of evidence" means<sup>1</sup>, they offer guidelines for

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<sup>1</sup> "Preponderance of evidence" is a legal term of art and is a standard that means evidence is more likely to be true than not



assessing the credibility of an interview, looking at factors such as the demeanor, consistency, plausibility and motivation behind an interview participant, as well as how their testimony corroborates with other interviews and evidence collected during the investigation.

One final practice mentioned by the SHRM is to follow up with the reporting party after the conclusion of the investigation to make sure they have not been retaliated against and that they have not experienced any further harm or misconduct.

## Protected Class Complaints in Other Jurisdictions

In addition to identifying complaints investigation process best practices from public agencies and professional associations, the Evaluation and Research Unit (ERU) contacted other jurisdictions and institutions in Portland and surrounding areas to learn more about their practices for conducting protected class complaint investigations. These agencies include King County in Washington state, Washington County, Clackamas County, City of Portland, and Oregon Health & Science University (OHSU).

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and that someone is 51% certain that the evidence shows what is alleged.

Two King County employees were interviewed — one from the Department of Human Resources and another from the Office of Equity and Social Justice. One employee from the OHSU Office of Civil Rights Investigations and Compliance was interviewed. Clackamas County referred the ERU to their employment policies. Washington County and the City of Portland did not respond to the ERU's requests. Information about Clackamas County's and the City of Portland's practices was obtained from their employment policies posted on their respective websites.

King, Washington and Clackamas counties each conduct internal allegations of misconduct and discrimination in their respective Human Resources departments. Each bases their investigations of employee misconduct on the policies and procedures adopted by each county. Investigators are internal employees.

At King County, investigators either have a legal background or are human resources professionals. Occasionally, King County will use external investigators in cases that are politically charged or if there is a conflict of interest involved. The ERU was unable to gain clarity on whether either Washington County or Clackamas County uses external investigators for certain situations, or what professional credentials their respective investigators possess. King County also offers

multiple routes in handling less serious complaints and violations of Equal Employment Opportunity laws, including mediation and coaching.

King County also has an Office of Equity, Racial, and Social Justice (OERSJ). The office, led by the King County Chief Equity and Inclusion Officer, is responsible for promoting civil rights and investigating allegations of discriminatory practices in employment for all workplaces in King County. Whereas internal King County complaints are investigated by their Department of Human Resources and are based on violations of employment policies, OERSJ's scope is dictated by King County code and violations of civil code. As such, OERSJ investigations are legal in nature and have a separate team of investigators, many of whom have legal backgrounds.

At OHSU, their Office of Civil Rights Investigations and Compliance (OCIC) conducts investigations of complaints based on an employee's protected class characteristics. Although OHSU has a central HR department and each school within OHSU has their own embedded HR unit, OCIC is housed outside of human resources. Investigations are performed outside of HR to establish trust in investigations. Many OCIC investigators have a legal background, but may come from other fields as well, including social work. The office also investigates allegations of complaints from

members of their student body in addition to the organization's workforce.

While the OCIC investigation process operates similarly to the CIU, there are several key differences. Similar to the CIU, OHSU OCIC investigators collect evidence in an investigation before writing a report. In an OHSU OCIC investigation, both parties involved in an investigation have an opportunity to review the report after it has been written, with confidential information redacted. This provides both parties an opportunity to provide input into a report and let investigators know if they believe important evidence was missed. The CIU has not historically given involved parties an opportunity to review the report.

The report is then sent to a Director of Investigations, who reviews the report and makes a recommendation on the appropriate action. This recommendation is then sent to the HR department(s) of each party's school to implement the recommended follow-up action, which may include restorative justice approaches such as education, coaching, or mediation. In contrast, the CIU process has a protected class committee that determines the course of action rather than one single person.

# Methodology

The Evaluation and Research Unit (ERU) led the evaluation of the Complaints Investigation Unit (CIU), in partnership with a sub-group of the Survey Advisory Group and countywide leadership, to provide guidance on the evaluation process.

The evaluation used a combination of methods. Quantitative methods were used to understand trends in complaints and the possible outcomes of employees involved in an investigation. Qualitative methods were used to understand the perspectives of employees of all levels who have gone through an investigation and leaders who were involved in the creation of CIU, and to review best practices for protected class complaints investigations. Together, these methods provide a more comprehensive understanding of CIU.

The data collection methods used in the evaluation were:

- Interviews with key interest holders
- Interviews with other government jurisdictions
- Focus Groups
- Survey of CIU Participants
- Review of documents of CIU's formation

- Review of best practices of investigations
- Workday separation data
- Attending investigation trainings
- Review of results from other projects (e.g., Countywide Employee Survey, ODE analyses)

A brief overview of the methods used follows. A more detailed discussion of methods is included in the [appendix](#).

## Interviews

In total, ERU staff conducted 81 interviews between December 2023 and August 2024, which included current and former County leadership, departmental leadership, employees who have been involved in CIU investigations, and staff from other local government jurisdictions and institutions that conduct protected class complaints.

## Focus Groups

Focus groups provided a way to gather perspectives of multiple employees at the same time. Evaluation and Research Unit staff contacted Employee Resource Group (ERG) leadership and union leadership to participate in focus groups for the CIU evaluation. ERG leadership also reached out to their membership to invite them to provide their feedback on the CIU process. Approximately 50

employees participated across eight focus groups.

## Survey

The ERU created a survey for Multnomah County employees to provide anonymous feedback. Employee Resource Group and union leadership were also asked to amplify and distribute the survey link to participants starting in January 2024 as an option to provide anonymous feedback regarding the CIU if they did not want to be interviewed. The survey was then made available to all employees at Multnomah County starting April 2024, distributed through two Wednesday Wire announcements, for any County employee to provide feedback or share their experiences with the CIU. Survey questions can be found in the [appendix](#).

The survey was open January 2024 through August 2024 and received 140 substantive responses. Given the anonymous nature of the survey, it is possible that some survey respondents also participated in an interview and/or focus group.

## Historical Document Review

Evaluation and Research Unit staff reviewed historical documents to understand the goals of the CIU as well as understand best practices and guiding principles. These

documents provided information about the formation and initial goals of the CIU, including why the unit was created, the goals and objectives the CIU process was designed to accomplish, and changes in the complaints process before and after creation of the CIU.

## Investigation Best Practices Review

Evaluation and Research Unit staff reviewed best and promising practices from professional organizations and government agencies that are targeted toward human resources professionals and/or workplace investigators (as detailed above). This information was gathered through these organizations' websites or through virtual training sessions. The CIU process was then compared to the best practices and guiding principles.

## Workday Data

The ERU investigated whether employees involved in a CIU investigation had a separation rate that differed from the countywide rate. To answer this question, ERU staff requested case file data from the CIU, which provided case file data for all cases from the creation of the CIU in 2019 until August 2024. The Evaluation and Research Unit pulled Workday data from the same time period. Separation rates from employees involved in the CIU

process either as a Harmed Party or a Responding Party were then analyzed and compared to the general countywide separation rate.

## Review of Results from Other Projects

The ERU reviewed and summarized results from other projects that contain information about reporting discrimination and the CIU. The [Countywide Employee Survey](#) includes questions in the “Work Climate” section about reporting and responding to discrimination and is distributed to all Multnomah County employees every two years. Although these questions neither specifically mention or are about the CIU, responses to those questions may help provide context around how employees perceive reporting and responding to discrimination. The ERU’s analysis looked at responses to these questions longitudinally from 2015 through 2023.

Additionally, in 2023, the Office of Diversity and Equity (ODE) conducted an analysis of CIU complaints by race and ethnicity at the request of the Managers of Color Employee Resource Group. For this evaluation, the ERU reviewed the results of that analysis outlined in the [WESP Renewal](#), as well as the full ODE analysis report. ERU staff members also held follow-up conversations with the ODE Senior

Research and Evaluation Analyst who conducted the analysis.

## Results and Recommendations

### Strengths of the CIU Process

### Professionalism and Credentials of CIU Staff

#### Results

The most common praise about the Complaints Investigation Unit (CIU) that interview participants and survey respondents provided was in relation to the professionalism of CIU staff, referring often to their care and courteousness. Even when employees expressed concerns and grievances with the investigation process, many still complimented the compassion demonstrated by CIU staff.

Employees said that CIU investigators took the time to make sure employees involved in an investigation felt heard. Some employees contrasted this with the experience of managers or human resources being dismissive or disinterested in hearing employees recount their personal experiences when reporting personnel violations.

Many interviewees in department leadership positions, such as

department directors or human resources managers, reflected on the training, expertise and professional credentials of CIU investigators — qualifications that were not necessarily or always possessed by department HR staff who were charged with conducting investigations before the creation of the CIU. Human resource managers expressed that having trained professionals like CIU investigators also freed them to accomplish other HR matters that they are more equipped to handle.

Currently, all CIU investigators have legal backgrounds, which includes knowledge of civil rights and employment law. All full-time investigators also are former Bureau of Labor and Industries (BOLI) investigators and have experience conducting workplace investigations at BOLI. All full-time investigators are credentialed by the Association of Workplace Investigators, a professional association for attorneys, human resources professionals and others who conduct workplace investigations. Furthermore, CIU investigators have received training on how to conduct trauma-informed investigations. However, employees involved in CIU investigations do not seem to know, nor are they made aware, of their investigator's credentials.

## Best Practices

The Society of Human Resources Management (SHRM) and

Association of Workplace Investigators (AWI) both provide recommendations on the choice of an investigator. Both professional organizations recommend choosing an objective, neutral investigator — one without inherent bias toward either party in an investigation — that is proficient in conducting investigations. Currently, the CIU provides a neutral investigator to conduct investigations. The CIU also ensures the assigned investigator does not have other personal relationships with either party in an investigation.

Both organizations recommend that investigators have an understanding of employment law, but neither requires or recommends investigators to have law degrees or legal backgrounds. Many materials and documents provided by these two organizations are geared toward human resources professionals and not lawyers, which is expected to some degree since their audience of investigators are primarily HR practitioners.

## Recommendations

### Communicate Credentials of CIU Investigators

We recommend intentional and more robust efforts to communicate the credentials and qualifications of CIU investigators to Multnomah County employees through various strategies, including:

- Describing the credentials of CIU staff on the unit's Multnomah County Commons page. Although the biographies of each CIU investigator currently lists their legal and professional backgrounds, the CIU can be more explicit on their landing page about the qualifications of their staff.
- Conducting direct communication outreach, including through Wednesday Wire announcements, to emphasize the qualifications of investigators.
- The introductory email sent when the CIU first responds to an employee should provide the credentials of the investigator assigned to the investigation, as well as the credentials of the rest of the CIU team.
- Although CIU staff have training in conducting trauma-informed investigations, being trauma-informed is an ongoing process that requires refresher training and continuing education. CIU investigators should periodically receive training on how to be trauma informed so they can stay updated on these skills and best practices.

## Continue Being Professional and Caring

We recommend that the CIU continues its efforts to behave

professionally and to treat everyone who engages in the CIU process with dignity and respect, actively listening to their experiences and making them feel cared for and supported. Ongoing training should include best practices on better understanding and accounting for the lived experiences of individuals in protected classes and the challenges they face, and may include topics like identifying racism, sexism, ableism and other forms of institutional discrimination.

## CIU Provides an Avenue for Accountability

### Results

When employees experience conflict or witness a violation of [County Personnel Rules](#) — including but not limited to MCPR 3-47 (Maintaining a Professional and Respectful Workplace), MCPR 3-40 (Discrimination and Harassment-Free Workplace) and MCPR 3-42 (Gender Identity and Gender Expression Harassment and Discrimination-Free Workplace) — there are several pathways for resolution (laid out by [MCPR 3-47](#)), including:

- If an employee feels comfortable directly addressing the behavior, they can redirect the inappropriate behavior or inform the offending employee their behavior is offensive and ask them to stop.

- If the employee does not feel comfortable directly addressing the behavior, they can report the situation to their manager, HR, the Office of Diversity and Equity, or the CIU.
- Managers must address inappropriate behavior they observe, experience, or become aware of, and should do so as close to the time of the occurrence as possible and appropriate

While the CIU is one of the multiple options personnel rules mention as a resource for reporting the offending behavior, it is unique in being a centralized location for reporting allegations of discrimination and harassment. Prior to the establishment of the CIU, protected class complaints were handled through department HR of the employee alleging discrimination or harassment, during which time many employees expressed feeling that:

- Reports of discrimination or harassment were not taken seriously and those that engaged in discriminatory behavior were never held accountable. This sentiment was especially true for employees of color.
- Protected class complaints investigations were not impartial because HR personnel within departments often had close (or closer) relationships with those being investigated.

With regard to the CIU's positioning as an independent unit outside of department HR, employees offered contrasting perceptions that reflected an appreciation that the CIU now offers a centralized resource for reporting policy violations. Employees noted that:

- The CIU process is a mechanism for protected class complaints to be taken seriously.
- Investigations into protected class complaints can be more unbiased because the CIU is housed outside of department HR. Having investigations conducted by an independent unit outside of department HR mitigated concerns of biased investigations because CIU investigators do not have working or close professional relationships with employees or a specific department or unit, whereas department HR staff may have worked closely with employees involved in an investigation.
- The CIU is an appreciated resource for Black, Indigenous and other staff of color experiencing discrimination.

## Best Practices

Best practices from professional organizations such as AWI and SHRM suggest having investigations conducted by impartial staff and that investigations be taken



seriously. The process used by the CIU meets these standards.

A main criticism before the creation of the CIU was that investigations were conducted by department HR staff who were perceived as often having a closer relationship with managers or other employees, which could impact their impartiality. Having an independent unit to conduct investigation reduces this potential for bias.

## Recommendations

There are no specific recommendations corresponding to the results in this section. However, the recommendations found throughout this report are in service of strengthening and improving a program that, according to interview and survey responses, offers a preferable and appreciated alternative to the previous department-led complaints investigation process.

## Limitations of the CIU Process

### Workload and Length of Investigations

#### Results

The criticism of the CIU process that came up most commonly in interviews, focus groups and the survey was that investigations take a long time to complete. Many

respondents reported that investigations they were involved in took over six months from start to finish. Several said that they were part of ongoing investigations that had started several months prior to their interview.

Many employees involved in an investigation said they expected a relatively quick resolution to their matter because they felt like they were “in limbo” otherwise until the investigation was completed. Employees who have been the Harmed Party or Reporting Party said they would like to see a resolution to the alleged discrimination and harassment that precipitated the complaint, while those who have been the Responding Party said they expected to know whether they will face any consequences and the severity of any disciplinary action.

According to the [CIU Quarterly Reports](#) for FY 2024 (the most recent full fiscal year for which data were available at the time of this evaluation), there were an average of 30 complaints per quarter, of which an average of 10 moved forward to an investigation. Since these numbers can vary from quarter to quarter, investigators’ caseloads can also fluctuate. CIU staff reported that they often have caseloads as high as 15 investigations, which they experience as too-high of a workload that contributes to

extending the amount of time it takes to complete an investigation.

The historical average length of time an inquiry (complaint filed with the CIU) is open is 45 days, while investigations (evidence collection through determination) have historically been open for an average of 101 days. This means that since 2019, when the CIU was established, the average amount of time from when a complaint is filed to when an investigation is completed is 146 days, or approximately five months.

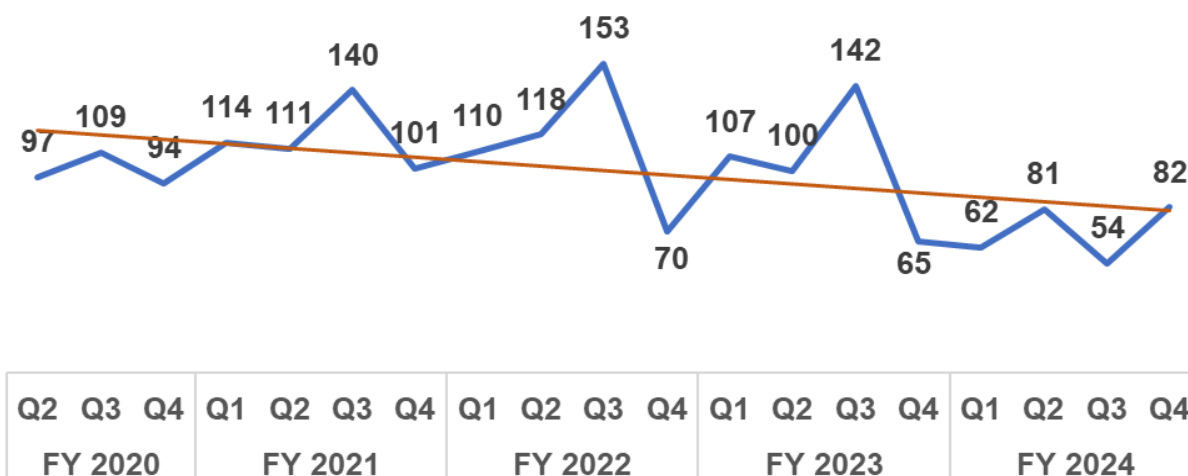
Figure 1 shows the average length of investigations in days since the creation of the CIU, per quarter. The length of investigations is defined as

the number of days between when the initial claim was filed to when the investigation report concluded.

Cases are categorized according to when it was closed; for example, a case opened in FY 2022 Q2 that is closed in FY 2022 Q3 is counted as a FY 2022 Q3 case.

For much of the existence of the CIU — particularly starting in the second half of FY 2021 and throughout most of FY 2022 and FY 2023 — the average length of an investigation was over 100 days. The longest average length of investigations was 153 days in FY 2022 Q3, and the shortest average length of investigations was 70 days in FY 2022 Q4.

**Figure 1. The average length of investigations has decreased<sup>2</sup>**



<sup>2</sup> Data provided through [CIU quarterly data reports](#).

Of particular note, however, is that beginning FY 2023 Q4, the average length of investigations started a noticeable decreasing trend (as shown with the downward slope of the trend-line in Figure 1). For the last five quarters for which data are currently available (FY 2023 Q4 through FY 2024 Q4), the average length of investigations has been below 90 days.

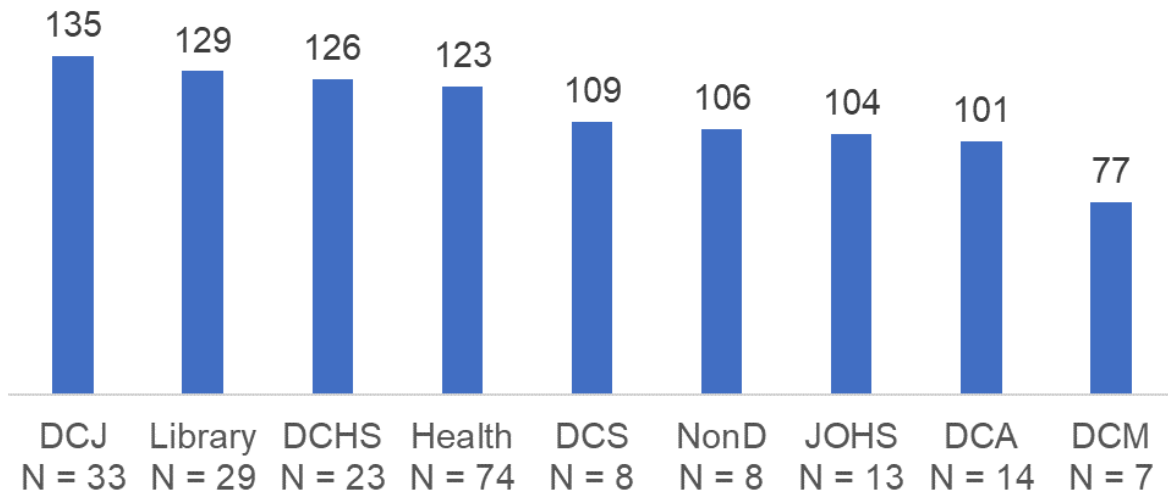
The ERU also compared investigation length across departments and by the type of complaint (i.e., which protected class was claimed to have been violated to precipitate the complaint). Figure 2 shows the average length of investigation across departments. Figure 3 breaks out the average length of investigation by the violated protected class. Both sets of data reflect CIU investigations that occurred between November 2019 and November 2024. Investigations can be associated with more than one department and can include

more than one type of protected class complaint.

As shown in Figure 2, the departments with the longest average investigation length are the Department of Community Justice (average = 135), the Library (average = 129 days), the Department of County Human Services (average = 126), and the Health Department (average = 123 days). The Department of County Management had the shortest average length of investigation at 77 days.

It should be noted that the departments with the highest average length of investigation also had the highest number of investigations, while the Department of County Management also had the fewest number of investigations. The rate of complaints from departments with the longest average investigation lengths may play a role in the perception that CIU investigations are too lengthy.

**Figure 2. The average length of investigation relates to the number of cases by department<sup>3</sup>**



<sup>3</sup> Data provided through [CIU quarterly data reports](#).

DCA - Department of County Assets

DCHS - Department of County Human Services

DCJ - Department of Community Justice

DCM - Department of County Management

DCS - Department of Community Services

HD - Health Department

JOHS - Joint Office of Homeless Services

LIB - Library

NOND - Non-departmental

Sheriff's Office (MCSO) uses a separate process through the Internal Affairs Office to investigate protected class complaints and District Attorney's Office (DA) handled complaints internally until 2024, so they are not included in these analyses.

**Figure 3. Average Length of CIU Investigation by Type of Protected Class Complaint<sup>4</sup>**

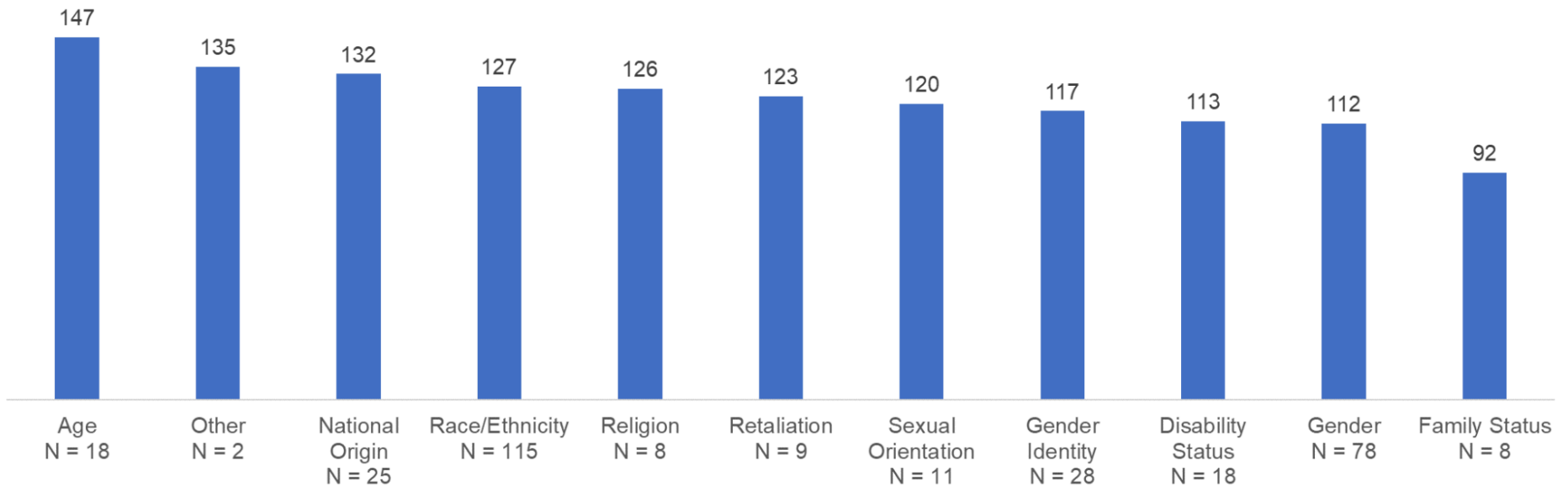


Figure 3 displays the average length of CIU investigations by the type of protected class complaint. With an average of over 130 days, complaints based on age and national origin had the longest average length of investigation. Protected class complaints in the “Other” classification, which encompasses whistleblower complaints, veteran status and health complaints, had an average investigation length of 135 days. Complaints based on race/ethnicity had an average investigation length of 127 days, while complaints based on family status average investigation length of 92 days was the shortest among all categories.

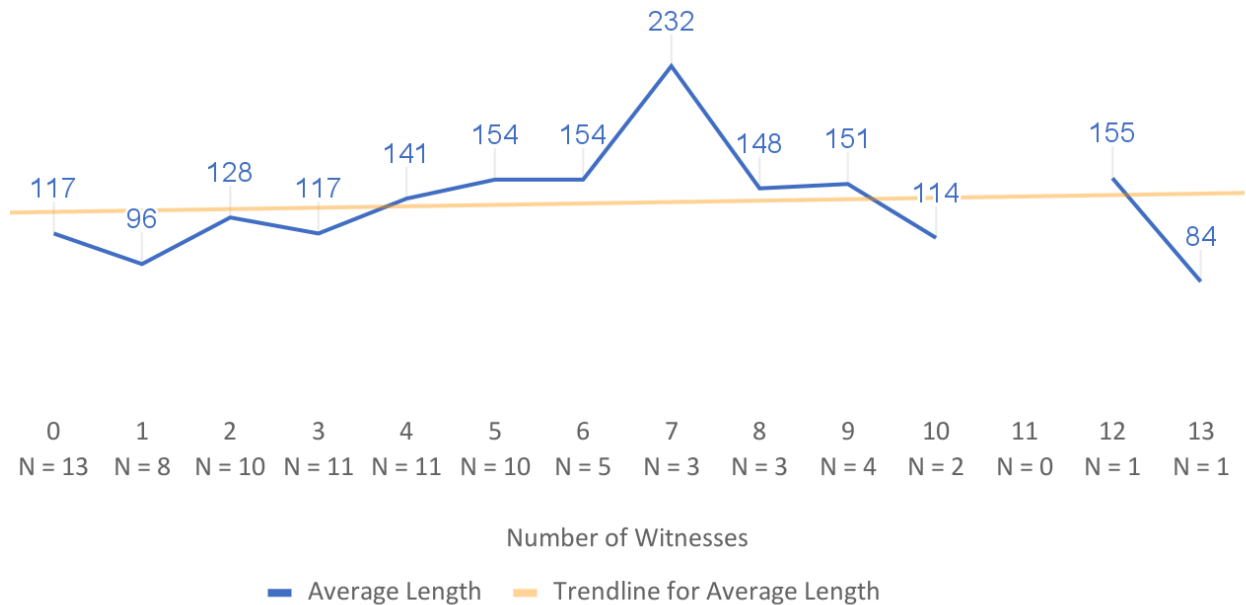
<sup>4</sup> Data provided through [CIU quarterly data reports](#).

Another factor that is associated with the length of a CIU investigation is the number of witnesses involved in the case. The CIU has kept track of the number of witnesses per investigation since July 2022. The average lengths of CIU investigations by the number of witnesses are displayed in Figure 4.

For cases without any witnesses, the average length of the investigation

was 117 days. As the number of witnesses increases, so does the average length of the investigation. This trend peaks at cases with seven witnesses, with an average investigation length of 232 days. The number of witnesses and length of investigation had a correlation of .218, which was statistically significant, which was significant ( $p < .05$ ).

Figure 4. The average length of CIU investigations increased as the number of witnesses increased.<sup>5</sup>



<sup>5</sup> Data provided through [CIU quarterly data reports](#).

Additionally, several respondents, particularly those in positions of departmental leadership, commented on the need for even more CIU reporting so that teams with high amounts of conflict or employees with many complaints can use data trends for more informed and precise workplace management strategies.

## Best Practices

None of the professional organizations the ERU reviewed, including the Association of Workplace Investigators (AWI) and the Society for Human Resource Management (SHRM), provide concrete metrics or goals regarding length of investigations, other than that the response be reasonably prompt.

Oregon BOLI also does not provide best recommendations for investigation length, either. However, the complaint form on BOLI's website provides a disclaimer that investigations may take up to a year to be resolved. BOLI's jurisdiction over investigations lasts one year after the complaint form is filed, so the investigation is required to be concluded by that time. During BOLI's 2024 Employment Law Conference, presenters claimed anecdotally that most investigations last six to 12 months.

Moreover, the ERU did not find any best practices from the reviewed professional organizations regarding the ideal number of investigators for

organizations of any given size or the ideal caseload for investigators.

## Recommendations

### Increased Staffing on the CIU Team

As of October 2024, the CIU had the following staff:

- One manager (regular full-time position)
- Three investigators (regular full-time positions)
- Two on-call investigators
- One investigations coordinator (regular full-time position)
- One resolution and conflict coordinator (regular full-time position)

Investigators are responsible for conducting interviews with Reporting Parties, Responding Parties, and witnesses, as well as for documenting case notes and writing the final investigation report. The investigations coordinator is responsible for scheduling interviews, sending emails to gather information or to inform CIU participants of investigation updates, and organizing data from investigations for the CIU quarterly report or other reporting needs. The resolution and conflict coordinator is responsible for reconciling and repairing teams during and after investigations, and finding resources to facilitate these duties.

During the time the ERU was developing this report, the CIU hired an on-call investigator in the summer of 2024. Having another on-call investigator on the CIU team may help increase the capacity for the CIU to conduct investigations when there is a high caseload.

We recommend that the CIU increase their staffing:

- Ideally one additional investigator to decrease investigator caseloads, which would:
  - Shorten the timeline of investigations because there would be fewer cases to manage and more time to schedule interviews.
  - Alleviate the burden placed on investigators and reduce the likelihood of potential burnout.
- One additional conflict and resolution coordinator to help facilitate more frequent use of restorative approaches.

In interviews, CIU investigators shared that they have demanding jobs that require them to hear the emotional trauma experienced by their fellow Multnomah County employees. This stress takes an emotional toll and many interviewees wondered about the risk of burnout CIU investigators face. More staffing and lower caseloads may reduce the stress and burnout associated with conducting

investigations while possibly increasing the likelihood of retaining investigators. Staffing levels should be continued to be monitored as investigation caseloads fluctuate.

## Communication and Transparency

### Results

#### Awareness of the CIU Process

The Complaints Investigation Unit has a [Multnomah County Commons page](#) that includes detailed information about the steps of the CIU process, instructions on how to submit claims, definitions, a frequently asked questions resource, information about CIU staff and the Protected Class Committee, and quarterly reports. Information about the CIU process is available as an infographic and a video, as well as in a more detailed narrative.

New County staff are provided information about the CIU process during their onboarding; new supervisors and managers also receive training about the CIU process. The Wednesday Wire has published several news stories about the CIU, including announcements about important changes such as the Board's investment in the Resolution and Development Coordinator position in FY 2023.

Despite the multiple ways in which information about the CIU is communicated to employees, many



interview and survey respondents reported that there was a general lack of understanding of the CIU process. Many respondents said that they did not understand the steps involved in CIU investigations or what constituted discrimination or harassment on the basis of a protected class, nor were they aware that their case could be referred back to their department HR or that claims submitted to the CIU do not always lead to investigations.

Many respondents also did not understand the bifurcation of roles and responsibilities between the CIU and the Protected Class Committee. This is exemplified by the belief among employees that CIU investigators determine the level of corrective action for the Responding Party in substantiated cases, when in fact the role of CIU investigators is to conduct investigations and determine whether personnel rules have been violated. They then provide these findings in a report to the Protected Class Committee. Although CIU investigators participate in the Protected Class Committee meetings, their attendance is only for the purpose of clarifying their findings if asked; they do not recommend or have input on corrective action.

### Communication and Transparency during CIU Investigations

The Complaints Investigation Unit sends out several communications to

staff involved in investigations, including to:

- Witnesses and the Responding Party, who receive an email at the beginning of the investigation stating they are involved in an investigation.
- The Reporting Party and the Responding Party at the end of the investigation, which includes an investigation report and the resolution of the investigation (e.g., whether the allegations were substantiated or not).

Although the CIU currently sends emails to staff involved in investigations at the cadence requested by the parties — and these communication efforts have improved over time — respondents who have been participants of investigations often expressed that there was a lack of communication and transparency throughout the process. In many cases, the CIU's introductory email was not clear how or why the recipient of the communication was involved in an investigation, often creating undue stress. The lack of clarity in the email left recipients unsure whether they were the one being accused of discrimination or harassment — all they knew was that they would be contacted at a future date to be scheduled for an interview. It wasn't until the interview that they were provided details and made aware of their role in an investigation.

Oftentimes, neither the Reporting or Responding party had an understanding of the status or progress of the investigation, such as whether interviews with investigation participants were scheduled or being conducted. To get an update, they had to inquire either within their HR department or their department equity manager, or reach out directly to the CIU. Some employees reported going weeks or months without hearing about the status of the investigation. Many respondents said that this lack of transparency about the status of the investigation caused stress.

In instances where the CIU referred a case back to department HR — usually because they determined the claim did not meet the criteria of a protected class complaint — some respondents reported not receiving a sufficient explanation of why their case was referred back to HR. In other cases, they did not know that their case had been referred back to department HR in the first place.

Some employees, particularly when they were the Reporting Party, shared that the closing email often did not communicate what to expect next, or what the next steps were. Of particular concern were reports from some employees that they did not receive this closing email at all. These employees only found out that the investigation had concluded from other channels, such as through their department HR or manager, or because they took the initiative to

reach out to the CIU directly after a long period of no contact.

Witnesses said that they did not receive an email or report at the conclusion of an investigation, either. Many of the employees who only participated in an investigation as a witness made it clear that they would still like to have known the result of an investigation for which they provided testimony — even without a copy of the full final report — and because investigations often involve one or more colleagues with whom they work closely.

Many Reporting Party respondents said that even when the email at the end of the investigation indicated the claim was substantiated, it often lacked details on the accountability actions being taken as a result of the substantiated case. This email included what respondents felt were vague statements about appropriate disciplinary action being taken without substantive description of what those actions were. Employees perceived the lack of specificity and detail in the communication as an absence of accountability. Reporting Party respondents also shared that because they are not given information about what disciplinary actions were taken — or even whether those actions were followed through — they did not attain a sense of resolution to their case.

However, it is important to note that the details of disciplinary actions are not shared with the Reporting Party because they are confidential.

Although Reporting Parties and witnesses may wish to know the details of disciplinary actions, it would violate other employees' right to confidentiality to share that information.

## Communicating about Accountability Measures in CIU Reports

After an investigation concludes, a summary report is given to the Harmed Party and the Responding Party. If the investigation finds the claims of the Reporting Party are substantiated, the report may include a brief statement referencing that appropriate actions were taken. However, many employees that were the Reporting Party of investigations stated in interviews and survey responses that they did not know any details of the actions that were taken.

The wording in the CIU report is intentionally vague not just because employment laws and union contracts require confidentiality of disciplinary actions, but also because the CIU does not ultimately determine if, or what, additional steps are taken by the Protected Class Committee as a result of the report's determinations. However, this may contribute to the Reporting Party's perception that no accountability measures were taken, particularly if the Responding Party continues to show up for work.

During interviews, some witnesses in CIU investigations also expressed a

desire to understand the result of an investigation. Because witnesses do not receive a copy of the CIU report, they do not know firsthand that or when a CIU investigation is closed, though they may hear that the investigation has concluded through word of mouth. In some instances, witnesses may have a more vested interest in the outcome of the CIU investigation, such as when the witness, Reporting Party and Responding Party are all on the same team.

## Best Practices

The one AWI guiding principle that relates to communication is geared more toward external investigators — that is, investigators that are not employees of the workplace being investigated. According to this guiding principle, investigators should not communicate with the employer unless it is for logistical reasons, such as for the purpose of scheduling interviews. This guiding principle is in place to maintain the objectivity of the investigation.

Although this AWI principle involves the relationship between an external investigator and the employer, corollaries can be applied to the CIU. For example, investigators should limit communication with either side of the investigation unless it is to conduct interviews, provide clarification or gather evidence.

Furthermore, the AWI guiding principle states that the investigator

should communicate with the employer about the scope of the investigation and the process of undergoing an investigation. These principles can still be applied with the CIU: The scope and process of the investigation, as well as any changes during the investigation, should be communicated clearly with both parties.

## Recommendations

### Regular, Ongoing Communication about the CIU Process

There is detailed information about the CIU's role and process in several formats on their [Commons page](#), new employees are provided information about the CIU process during their onboarding, and updates are periodically included in the Wednesday Wire. Still, we recommend additional regular, ongoing communication about the CIU process and changes they implement, including:

- Regular policy review of [Personnel Rule 3-40 Discrimination and Harassment-Free Workplace](#), along with links to the CIU Commons page
- Periodic refresher training for supervisors and managers about the CIU process and conflict resolution.

### Clear, Regular Communication to Employees Involved in CIU Investigations

As a best practice for any communication, it is important for regular communications to be provided in various formats (e.g., email, in person), and that participants are given the opportunity to ask questions and receive answers in a timely manner. We recommend the following kinds of communication during CIU investigations:

- An initial email from the CIU to the Reporting Party, Responding Party and witnesses that includes the following information:
  - A clear outline of the steps in a CIU intake and investigation. The initial email can include a link to the CIU Commons page, as well as details of the entire CIU process in the body of the email itself.
  - A clear description of the employee's role in the investigation.
  - A clear description of the roles of CIU investigators and the Protected Class Committee.
- A reminder to CIU participants during the intake interview of the next steps in the process, their role in the process, and the

roles of the investigators and the Protected Class Committee.

- When a case is referred back to department HR after intake because the CIU determined that the claim does not qualify as a protected class complaint (or for any other reason), transfer the case with an explicit “warm handoff” that involves the CIU, department HR and the Reporting Party. The post-intake report should also make it clear why a complaint is being referred back to department HR.
- Periodic updates from the CIU about the status of an investigation, including what is currently underway, an estimated timeline and next steps.
- An email to the Reporting Party, Responding Party and witnesses at the end of an investigation providing as much information as allowed while maintaining confidentiality of the parties involved. This message should include:
  - An explicit statement about the certain kinds of information that is not allowed to be shared due to the confidential nature of the investigation.
  - Resources to help parties process the information, including links to County Benefits (e.g., the Employee

Assistance Program), the Employee Wellness team and Organizational Learning.

Recommendations regarding communications to teams impacted by a CIU investigation can be found in the [Recommendation for More Access to Restorative Justice Approaches](#) section of this report.

While these recommendations point to areas of improvement, we recognize that communication efforts have steadily improved since the inception of the CIU, such as the inclusion of more details of the allegation in initial emails to the Responding Party. Having a communications checklist would standardize communication updates throughout all CIU investigations.

### **Improve and Increase how the CIU Communicates about Accountability Steps**

One way to balance the need for more transparency in investigation reports with confidentiality concerns is to explain to the Reporting Party the reasons why details cannot be provided, including any pertinent employment or labor agreements. Although this may not provide full closure to the Reporting Party, it may alleviate some of the confusion at the end of the investigation.

Another recommendation is to have the CIU email witnesses with a vested interest in the CIU investigation to notify them that the investigation has ended and to

thank them for their participation. Witnesses with a vested interest may include coworkers that are in the same unit as the Harmed Party and Responding Party. This email should also include the reasons why certain details cannot be shared with them, similar to what is suggested for the CIU to share with the Reporting Party. This would provide witnesses with a more substantial sense of closure without breaching any confidentiality.

Other witnesses, however, may not have a vested interest in the outcome in the CIU investigation — they may be coworkers on different teams and may have become witnesses, for example, during collaboration meetings. In this case, an email after their witness interview stating that there may be no further contact from the CIU may suffice. In such a case, this email should also state that although they may not be contacted by the CIU again, it does not mean that appropriate action will not be taken. These communication strategies may provide a sense of resolution for witnesses.

## Adopt a Case Management System

The Complaints Investigation Unit does not use a case management system to keep track of investigations. Best practices from several organizations, including BOLI, call for the use of a case

management system to track workplace investigations.

It is recommended that the CIU adopt a case management system, which would:

- Track progress of all CIU cases.
- Be a way to provide updates on a periodic basis. Even if the progress of a CIU investigation has stalled, a case management system can still help call CIU staff's attention to a Reporting or Responding party that has not contacted in some time. This can alert CIU coordinators to send an email to participants updating them on the status of the investigation. Some case management systems may even be able to automate this outreach.
- Allow for standardized data collection for CIU cases. that would improve the ease of managing, organizing and analyzing CIU data for more transparent reports and better trend identification. That could include:
  - Reports that include the types of complaints per department
  - Identifying work teams that display an outsized amount of conflict or have employees that receive or file numerous complaints, so that more targeted coaching

or other restorative justice practices can be employed.

The improved data made available by the adoption of a case management system may also allow for easier and better analysis of complex questions — such as what factors are most correlated to longer investigation lengths — that could lead to solutions that improve the CIU process for all staff.

### Results and Recommendation for the Protected Class Committee

Interviews with people who have served on the Protected Class Committee suggest that their respective roles in the group are not always well understood. For example, the Protected Class Committee typically reaches a consensus on any corrective action, but there are instances where there is disagreement on the appropriate response. In these instances, the Chief Operating Officer determines the course of action, which some protected class committee members did not always know was a possibility. Furthermore, there is turnover within the committee; several department directors have newly joined the committee since the CIU was developed and may not fully understand their role.

The roles and responsibilities of the Protected Class Committee members, as well as committee processes, should be clarified to and understood by all members,

particularly in instances when new members are introduced. This is in alignment with [Workforce Equity Strategic Plan Benchmark 2.6](#), which calls for the creation of a Protected Class Committee charter that outlines the roles and responsibilities of its members and formalizes its work with the CIU.

## Employees' Experiences and County Culture

Employees' experiences with the CIU process intersect with, inform and are informed by their general experiences in the workplace. Employees shared during interviews and through survey responses that the CIU may affect Multnomah County's workplace culture negatively. Some staff cited their belief that the CIU does not fully address systemic harassment and discrimination issues that County employees experience. Others expressed that given the traumatic nature of CIU investigations, involvement in an investigation may lead to decreased morale or can even cause employees to leave Multnomah County altogether.

This section explores results from various sources about how employees perceive their experiences of reporting discriminatory behavior both generally and specifically within the CIU process.



## Results

### Countywide Employee Survey

Although it was not part of this evaluation, results from the biennial [Countywide Employee Survey](#) offer additional insight into how employees experience the County's response in general to discriminatory behavior. These results are not specific to the CIU process.

The Countywide Employee Survey is distributed to all County staff in October and November every other year and is completely anonymous, so the figures in this section include all employees regardless of whether or not they have engaged with the CIU process. The following four questions related to discriminatory behavior have been asked in the Countywide Employee Survey since 2015:

1. I know where to report discriminatory behavior
2. I would feel safe speaking up about discriminatory practices
3. My supervisor responds appropriately to discriminatory behavior
4. My work unit responds appropriately to discriminatory behavior

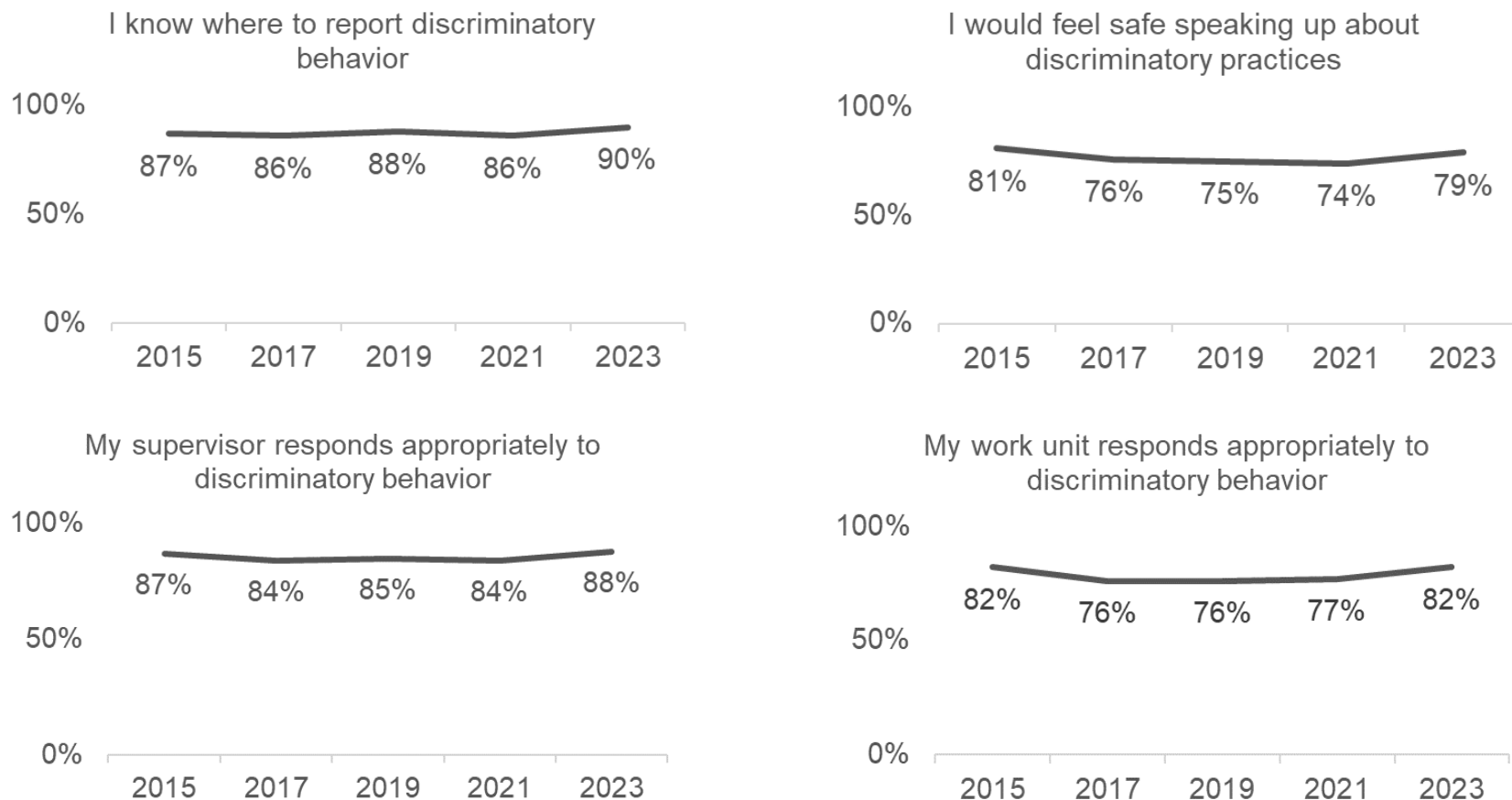
Figure 5 displays the percentage of employees that completed the survey that agreed or strongly agreed to each of the four questions.

Overall, at least 74% of employees said they agreed or strongly agreed with each of the four statements in each year of the survey, suggesting that the majority of employees know where to report discrimination, would feel safe reporting discrimination, and that their supervisor and work unit respond appropriately to discriminatory behavior.

The results from 2015, 2017, and 2019 can be interpreted as employees' perceptions of reporting discrimination before the creation of CIU in November of 2019, while results from 2021 and 2023 can be interpreted as employees' perceptions after CIU had been well established. Descriptively, we can see that 2023 had the highest percent agreement (90%) for knowing where to report discriminatory behavior. Results in 2015 and 2023 had similarly high-percent agreement for feeling safe speaking up about discriminatory practices, and about believing their supervisor and work unit respond appropriately to discriminatory behavior. It is important to note, however, we cannot say that changes in percent agreement on these questions were caused by the creation or existence of the CIU. The differences in agreement percentages over time could have been due to many different factors besides, or in addition to, the CIU process.



**Figure 5. On the 2015-2023 Countywide Employee Surveys, employees had high levels of agreement to questions about reporting discrimination<sup>6</sup>**



<sup>6</sup> The percentage of Countywide Employee Survey respondents that agreed or strongly agreed with these statements is broken out by race and ethnicity in the [appendix](#). Because the Countywide Employee Survey was not a primary data source for this evaluation, the ERU did not conduct statistical analyses related to the change over time from 2015-2023. However, year over year statistical analyses are available on the [Countywide Employee Survey](#) Commons page for each year's survey.

## Perceptions of the CIU's Safety and Trustworthiness

The Countywide Employee Survey results showing employees' perceptions of responses to discriminatory behavior more broadly are contrasted with how employees who have engaged with the CIU process perceive the unit's safety and trustworthiness, and whether they would recommend filing a complaint with the CIU to a colleague.

As part of this evaluation, Evaluation and Research Unit staff asked employees in interviews and the CIU survey whether they would feel safe filing a complaint with CIU, whether they would recommend the CIU to a colleague and if they trust the CIU process. Together, answers to these questions provide a general view of how employees experience and perceive the CIU process.

As shown in Figure 6, 50% of employees indicated that they would not feel safe filing a complaint with the CIU. For those that did not feel safe filing a complaint with CIU, the most common reasons for not feeling safe were:

- Fear of retaliation
- The process of going through an investigation is retraumatizing and a stressful experience. Employees weighed the emotional toll of going through a CIU process against the harm that precipitated the need to file

a complaint, and determined that the trauma of going through a CIU investigation was not worth filing a complaint.

- A belief that the CIU is biased towards protecting the organization's interests, often at the expense of employees.
- A perception that they would not receive a resolution to their complaint, which factored into not feeling safe filing a complaint with the CIU.

Interview participants and survey respondents who felt safe filing a complaint with CIU (40%) provided the following reasons:

- A perception that investigations are confidential
- A perception that investigations are thorough and transparent, which led to a general sense that some resolution would be reached to hopefully end discriminatory behavior.
- Feeling more safe with the current CIU process, compared to previous processes (i.e., department HR handling protected class complaints).

Those who might feel safe (10%) said that their feeling of safety was contingent on the following:

- The severity of the case
- Whether they had enough documentation to support their case

**Figure 6. 50% of interview and survey respondents said they would not feel safe filing a complaint with the CIU<sup>7</sup>**



Would you feel safe filing a complaint with the CIU?

- Yes, I would feel safe
- I might feel safe
- No, I would not feel safe

**Figure 7. 54% of interview and survey respondents said they do not trust the CIU process<sup>8</sup>**



Do you trust the CIU investigation process?

- Yes, I trust the CIU investigation process
- I might trust the CIU investigation process
- No, I do not trust the CIU investigation process

<sup>7</sup> Data from interviews and survey responses conducted by ERU as part of this evaluation

<sup>8</sup> Data from interviews and survey responses conducted by ERU as part of this evaluation

As shown in Figure 7, 54% of employees said that they do not trust the CIU investigation process.

Interview participants and CIU survey respondents who do not trust the investigation process said their lack of trust was due to the perception that investigators are biased in their investigations. Respondents felt that investigations or the process itself seemed to favor or serve the interests of managers, the organization or the Reporting Party.

Those who did trust the CIU process (31%) mentioned that they felt investigations are thorough and were less biased compared to the old system in which protected class complaints were investigated by department HR.

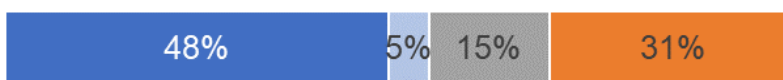
Interview participants and survey respondents that said that they

might trust the CIU investigation process (15%) stated that:

- They trust the CIU process more than the previous process
- Their trust depends on the position of the Harmed Party and the Responding Party; some people believed the process seems to favor represented staff, while others said it seems to favor management
- They believe evidence or witnesses are sometimes disregarded without explanation

As shown in Figure 8, 48% of employees said that they would recommend filing a complaint with the CIU to a colleague, while an additional 5% said they are obligated to recommend filing a complaint due to their status as a manager, County leadership or human resources staff member.

**Figure 8. 31% of interview and survey respondents said they would not recommend filing a complaint with the CIU to a colleague<sup>9</sup>**



Would you recommend filing a complaint with the CIU to a colleague?

- Yes, I would recommend CIU
- Yes, I am obligated to recommend CIU
- I might recommend CIU
- No, I would not recommend CIU

<sup>9</sup> Data from interviews and survey responses conducted by ERU as part of this evaluation

Those who would recommend the CIU to a colleague commonly stated that they perceived it as a trustworthy resource to hold people accountable for harassment and discriminatory behavior.

Those who would not recommend the CIU to a colleague (31%) provided the following reasons:

- Experiences of CIU interviews retraumatizing the Reporting Party
- Perception of the CIU process taking too long
- Dissatisfaction with CIU outcomes and resolutions, in particular the perception that people are not held accountable for discrimination and harassment.

Interview participants and survey respondents that said that they might recommend the CIU to a colleague (15%) said their recommendation was dependent on:

- The severity of the harassment or discrimination allegation
- The amount of evidence documented for these allegations
- The position of the employee that may have been harassed or discriminated against. For example, some positions may allow an employee to be moved laterally or to a different shift or

unit, while other positions do not have that flexibility. For employees who cannot move to a different manager, they might not recommend the CIU due to a risk of retaliation or for the security of their job.

### CIU Investigations Feel Like a Formal Legal Process, Which are Stressful

Interviews, focus groups and the survey with employees who have engaged with the CIU process tell us more about their experiences. Allegations of discrimination and harassment are violations of employment law and personnel rules. As such, any investigations for violations of law and personnel rules are inherently a legal process. Many employees reflected on, and offered input concerning, the legal nature of CIU investigations.

Perhaps unsurprisingly, many employees involved in CIU investigations shared that the investigative process felt too much like a formal legal process. Employees that were the Responding Party during an investigation stated they felt that they were on trial, both during interviews and for the entire CIU investigation overall. Some Reporting Parties also did not appreciate the formality of CIU investigations.

Some respondents pointed to the legal approach of CIU investigations akin to civil cases, notably the

“preponderance of evidence” legal standard for substantiating a case, with some questioning how it is determined that the standard is met.

Furthermore, they questioned how investigators establish the credibility of witness testimony and why some witnesses were considered more credible than others — even why some employees were chosen to be interviewed but others were not. Related to earlier sentiments about the lack of transparency in CIU investigations, employees shared that these determinations are not made clear and that the post-investigation report does not provide any clarity on these questions. As such, this led some employees to feel that CIU investigations are subjective or biased.

Other respondents shared that if CIU investigations use a legal framework, participants should also be afforded the rights of legal proceedings. For example, several interviewees and some survey responses wondered why there is no opportunity to appeal a case determination (which fed into perceptions of biased investigations).

Finally, some employees said that they did not understand their rights at the outset of a CIU investigation, including the right to have a union steward or representative present during an interview and the ability to confer privately with the union steward during an interview without

any penalty or prejudice. While the CIU provides employees a document of what to expect in an investigation, materials that include clearer or more direct language may increase employees’ understanding of their rights.

Investigations are inherently stressful, and sometimes traumatic, experiences for those involved on either side of the investigation. The Responding Party, who is accused of harassment and discrimination, faces the possibility of disciplinary action, which may include termination from employment. On the other side, the Harmed Party not only experienced the harm that led to them filing the complaint, but also has to recount those experiences during interviews, placing them in the position to be retraumatized in the process. These feelings of anxiety are exacerbated by the length of investigations and uncertainty about the progress or status of an investigation. The stress of being involved in an investigation could potentially be mitigated by a shortened investigation period and with more transparent communication about the progress of the investigation (both as recommended above).

According to multiple respondents, the CIU process is punitive and often results in disciplinary action. Although Reporting Parties often wanted accountability, they did not necessarily desire the Responding Party coworker to be fired or even

disciplined — they simply wanted the behavior to stop. Many respondents advocated for more resolution options using restorative justice approaches, such as coaching, mediation, alternative dispute resolutions and other approaches to repair harm. The CIU offers these restorative approaches (when appropriate), regardless of whether allegations are substantiated or not.

“[There is] one person [in the conflict and resolution coordinator role], and it’s unrealistic for her to be able to do that with every investigation, especially when there’s a lot of people involved. That’s a whole team in and of itself.”

In substantiated cases, the recommended course of repair may include these restorative justice approaches. The CIU’s conflict and

resolution coordinator received praise from those who had worked with them. Many appreciated the coordinator for facilitating solutions outside of a laborious investigation and for helping rebuild teams that still had to work together after an investigation. Many employees, however, wanted more access to these approaches. As one respondent said, “[There is] one person [in the conflict and resolution coordinator role], and it’s unrealistic for her to be able to do that with every investigation, especially when there’s a lot of people involved. That’s a whole team in and of itself.” Yet, another interviewee stated that the CIU is great if you “want to get someone fired,” implying that the CIU only offers this type of drastically punitive resolution.

People who have been either party often said they wanted restorative justice approaches that would allow employees who have harmed others a chance to be educated and redeem themselves. Although the conflict and resolution coordinator offers pathways that are more aligned with restorative justice approaches, these opportunities are not consistently applied across all CIU cases due to the distinct circumstances of each case that require different interventions. Another reason for this lack of consistency may be that there are not enough conflict and resolution Coordinators to meet demand.

## Investigations are Disruptive to Teams

The alleged instance(s) of discrimination or harassment that leads to a CIU investigation often has a negative effect on a team or work unit. Whether the allegation is from employee to manager, or from coworker to coworker, the team is often still expected to work together through the concurrent investigation. Respondents indicated that CIU investigations exacerbate negative team dynamics.

Many respondents expressed that CIU investigations raise the level of tension within teams where conflicts already exist. As the Reporting Party attempts to make their case or the Responding Party attempts to defend themselves, both sides become entrenched in their position. The conflict rarely stays contained within the two disputing parties, and instead can extend to the entire team or beyond as other members of the work unit often become witnesses asked by CIU investigators to participate in an interview.

In particular, many employees expressed that they were under the impression that they were not supposed to talk with each other about the investigation or allegations. That assumption results in limited contact between the opposing parties, reducing the chance for them to work things out. Instead, they self-isolate from each

other even if they work the same shifts and/or find themselves within close physical proximity to each other, which escalates tensions and negatively impacts the working environment of their team. This shrinking communication affects interpersonal relationships within the team, and may also impact productivity, as well. (It should be noted that in summer 2024, the CIU posted an [“Information for Parties” document](#), which clarifies the expectations around teams discussing investigations, on their Commons site.)

Once these conditions begin unfolding, the team’s manager is put in the position of managing a group in disarray, not only stemming from the incident(s) that led to the CIU claim, but also the tensions left lingering by the team’s inability to discuss details of the investigation. As one manager said, “continuous harm could be happening and I didn’t know how to support that person.”

“Continuous harm could be happening and I didn’t know how to support that person.”



Some managers in interviews and surveys said they were afraid of being accused of retaliation if they had to assign or direct work to staff on their team. Some managers also mentioned that they had few resources or guidance on how to effectively manage their work teams during the stress of a CIU investigation. Managers would sometimes take it upon themselves to ask their peers or their own managers about navigating the situation, but even they were often unable to provide support. Even County leaders expressed struggling with this challenge, with at least one department director sharing that they didn't know how to effectively support a manager or team that was under investigation.

Some respondents, staff and managers alike, expressed the need for team-building and conflict resolution support as preemptive measures. The CIU is often the last resort for finding a resolution and many respondents suggested that, had there been an opportunity for the two conflicting parties to talk, the situation may not have needed to rise to the level of a CIU investigation. Proactive approaches may potentially reduce the harm experienced by employees and reduce the need for CIU investigations over the long term.

## CIU Complaints and Investigations May Be Weaponized, Especially Against Black and African American Managers

Some employees shared in interviews, focus groups and survey responses that CIU investigations can be weaponized, meaning that although many, if not most, CIU complaints and investigations are legitimate matters, an employee may file a complaint against another because they know that the complaint investigation process can be stressful, traumatic and long. This sentiment was shared by employees who have gone through a CIU investigation they believed had been filed frivolously, as well as department directors, equity managers and HR managers who, while they may not have been involved in CIU investigations, have heard from others suspicious of the weaponization of the CIU.

The perception that the CIU process is weaponized is not new. In 2023, the Managers of Color (MOC) Employee Resource Group expressed concerns of the CIU's weaponization against employees and managers of color, and asked the Office of Diversity and Equity (ODE) to analyze CIU complaints by race and ethnicity.

# 50%

## of Black and African American Managers had CIU complaints filed against them

The office's analysis included CIU cases between November 2019 and December 2022. In this time period, ODE found that 50% of Black and African American managers had complaints filed against them, while only 25% of white managers had complaints filed against them — a statistically significant difference<sup>10</sup>. But beyond the higher rates of Black and African American managers having complaints filed against them, the analysis found that only 27% of the cases against managers of color were substantiated as a protected class violation, whereas 73% of the claims against white managers were substantiated.

The analysis also found that employees of color filed complaints against both white employees and other employees of color at a higher rate than white employees. This trend was also true for managers:

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<sup>10</sup> Statistical significance means that we are at least 95% confident that these results are not due to chance. Statistical significance is impacted by group size, amount of variation, and average response.

both white managers and managers of color had more complaints filed against them by employees of color than by white employees. The results of this analysis were outlined in the [WESP Renewal](#).

Overall, the analysis conducted by ODE produced evidence that the CIU is, in some cases, being weaponized, especially against Black and African American managers. However, these analyses could not and did not capture the intent of the employees who filed the complaints. We recommend that future evaluations explore the possible weaponization of the CIU in more detail and that this continues to be monitored.

### Separations of Parties Involved in the CIU Process

If the CIU is indeed being used in bad faith as a way to impart harm on other employees, we may expect to see disproportionate separations for Responding Party employees involved in CIU cases. Further, some interview and survey respondents shared that they knew of people who had left their job at Multnomah County because of the trauma, stress and embarrassment of going through a CIU investigation<sup>11</sup>.

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<sup>11</sup> There are many reasons employees may choose to leave the County; involvement in a CIU investigation could be just one of myriad factors. Any analysis of differences between the countywide separation rate and that of CIU participants should consider all potential factors, particularly since this analysis covers a large timeframe.

The ERU analyzed the separation rates for regular employees for different types of CIU cases between the period of November 2019 and August 2024. For completed CIU investigations, Responding Parties had a significantly higher separation rate (39%) than Harmed Parties (28%), as shown in Figure 9. However, for other types of CIU cases (e.g., inquiries, withdrawn complaints, etc.), there was not a significant difference between the separation rates of Harmed Parties (29%) and Responding Parties (29%), as shown in Figure 10.

Although Responding Parties that have gone through a complete investigation have a higher likelihood of separating from the County than Harmed Parties, the separation rate of either type of CIU investigation participant is similar to the countywide separation rate (34%)<sup>12</sup> (see Figure 9).

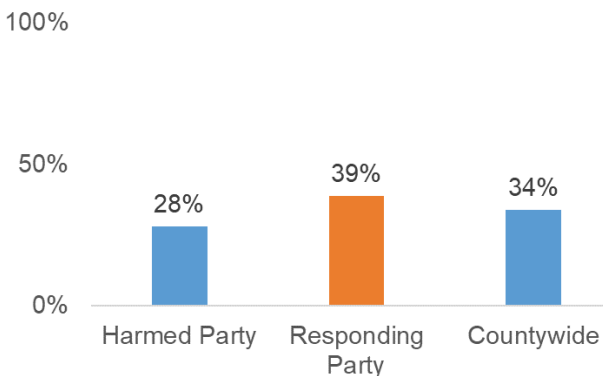
The ERU also analyzed the separation rates of regular employee CIU participants (both Harmed and Responding Parties) by race and ethnicity, with the most notable results emerging with regard to Black and African American

employees. As shown in Figure 11, for completed investigations, Black and African American Responding Parties had a significantly higher rate of separation (57%) than Black and African American employees countywide (37%). Black and African American Harmed Parties had a similar separation rate (31%) as Black and African American employees countywide. There was a similar pattern for other types of CIU cases, but it did not reach statistical significance due most likely to small group sizes, as shown in Figure 12.

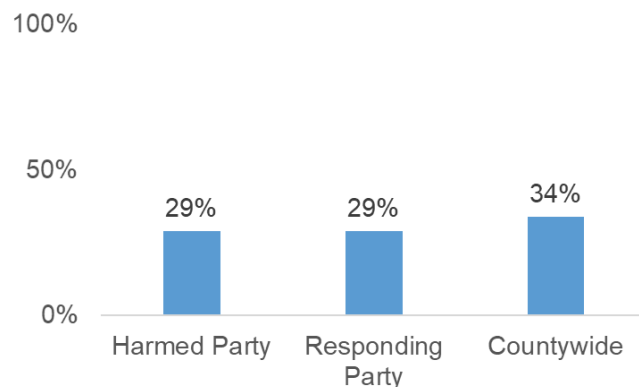
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<sup>12</sup> The ERU compared the separation rates of Harmed Parties and Responding Parties to the separation rate of regular employees (combining both represented and non-represented employees) during FY 2020 through FY 2024 (July 1, 2019 - June 30, 2024), which is roughly the same time period that the CIU has investigated cases.

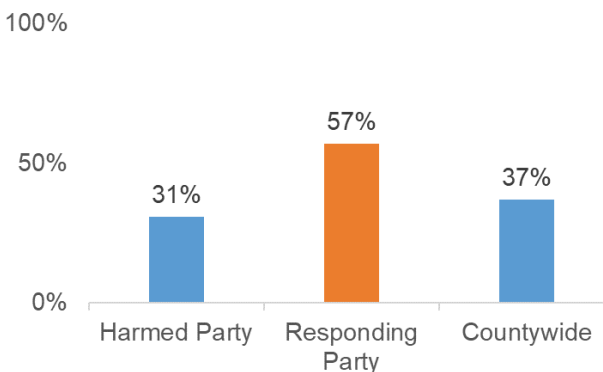
**Figure 9. Higher separation rate for responding parties than harmed parties for completed investigations, but similar to countywide rate**



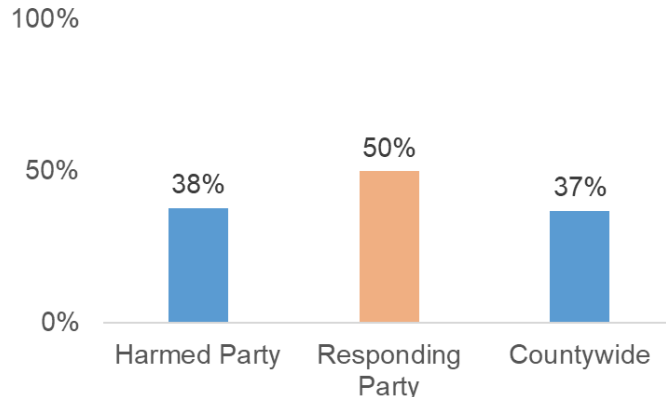
**Figure 10. No differences between harmed and responding parties for other CIU case-types and countywide separation rate**



**Figure 11. Higher separation rate for responding party Black and African American employees in completed investigations**



**Figure 12. Higher (but not statistically significant) separation rate for responding party Black and African American employees in other CIU case-types**



These results can be interpreted as potential consequences of the CIU process being weaponized against Black and African American employees. However, it is imperative to account for the fact that employees may leave Multnomah County for myriad reasons, many (or

most or all) of which may be unrelated to CIU. Increased separation rates for Black and African American employees involved in CIU investigations may go beyond the CIU process and speak to the County culture and the need for increased focus on

preemptive team-building and conflict resolution, as well as restorative practices.

See the [Appendix](#) for results of other race and ethnicity groups and by department.

## Best Practices

Some employees shared in interviews, focus groups and the survey that it sometimes seemed that people file CIU complaints against someone who filed a complaint against them, which could be perceived as a form of retaliation. Under AWI guiding principles, investigators should communicate to the Reporting Party, Responding Party and witnesses that retaliation is prohibited in all forms. CIU investigators currently follow this practice, articulating that retaliation for CIU complaints is not tolerated in their [“Information for Parties” document](#) provided on their [Commons page](#) and provided to all participating parties.

## Recommendations

### More Access to Restorative Justice Approaches

Although the CIU employs a conflict and resolution coordinator, there is currently only one person in that role at the time of this report. Furthermore, Central Human Resources’ Organizational Learning provides resources and training to support conflict resolution within teams, and some departments have

conflict resolution positions. We recommend that the County increases its focus on restorative justice and integrates it into the CIU process to create more opportunities for — and help promote a culture of — healing and reconciliation. This can be achieved by strengthening support during and after investigations in the following ways:

- Adding at least one more conflict and resolution coordinator position in the CIU to provide more support for restorative justice approaches across the County. Staffing levels should be continued to be monitored as conflict resolution caseloads fluctuate.
- Continuing to train all CIU investigators in restorative justice and trauma-informed practices
- Stronger collaboration between the CIU conflict and resolution coordinator and Organizational Learning, equity managers and other County partners, including the Employee Wellness Team’s trauma support coordinator
- Having department HR assess whether they have the resources they need to support department staff and managers with conflict and resolution resources. This may include increased conflict and resolution training for HR staff, collaborating with Organizational Learning, or

dedicating specific staff and resources to provide conflict and resolution support.

- Offering resources for managers, HR and staff to support teams during an investigation and to repair teams after an investigation has concluded. This could include specific training and support for managers and HR on how to manage teams while maintaining confidentiality during a CIU investigation.
- Allowing the Reporting Party during the intake process to provide input about whether or not they want to engage in restorative justice practices as part of the investigation.
  - One of the first steps for any complaint filed with the CIU is an intake interview with the Harmed Party. If the circumstances allow for a restorative justice approach, that option should be made available to the Harmed Party during this interview. However, for severe policy violations, restorative approaches may not be possible, as mandated by law, policies and/or facts of a specific case. There may be additional extenuating circumstances that would not allow for restorative practices, such as if the Responding Party refuses to engage in alternative dispute resolutions.

## Allow a Response to the Report

Both the Reporting Party and the Responding Party should have the option to provide a response to the CIU summary report and to have their respective responses attached to the full report. While the final report does not necessarily need to be shared with either party before allowing them to submit a response, the parties should at least be notified whether the claim was substantiated or not. This would allow both parties to share their perspectives in the full report. Although this does not function as a formal appeal, it provides an opportunity for both parties to be more fully heard and have their viewpoints represented in the final report on record.

Currently, CIU investigations do not allow an opportunity to appeal a decision, which is similar to BOLI investigation processes. Allowing parties to appeal the CIU's determination may lengthen the investigation process and delay resolution for all parties involved in an investigation. Since a common concern about the CIU process is the length of investigations and the disruption it causes to work units, allowing appeals would potentially exacerbate these two criticisms of the unit and their work. However, the Harmed Party or the Responding Party may still want an opportunity to respond to the CIU report since they are ultimately public record.

## Implement Regular Meetings with County Partners

There are multiple interest-holder groups and County partners that collaborate with the CIU. However, contact with these partners does not always happen regularly or consistently. For example, some department equity managers meet regularly with the CIU to discuss cases or trends while others don't confer with the CIU as frequently. It is recommended that the CIU meet with equity managers both consistently and regularly to discuss issues and concerns within their respective departments.

Furthermore, not all department equity managers attend Post-investigation Meetings consistently. It is recommended that all equity managers be invited to attend these Post-investigation Meetings to help facilitate any corrective courses of action as a result of the investigation. These corrective courses of action may not necessarily be disciplinary in nature, but an equity manager may help strategize approaches to repairing teams and relationships impacted by the complaint and subsequent investigation. Having regular meetings between the CIU and equity managers would also encourage equity managers to regularly attend Post-investigation Meetings.

The CIU should also work closely with Organizational Learning, which

has positions that are intended to implement restorative justice approaches, to help establish a network of resources available to County employees.

The CIU should meet regularly with other County partners, as well, such as department HR; Employee Wellness (including their new trauma support coordinator); union leadership; and ERG leadership. Deepening the relationship with these County partners can strengthen the legitimacy of the CIU, potentially helping to alleviate perceptions of bias within investigations.

Considering that some incidents of discrimination and harassment may involve the Workplace Security Program, the CIU may also explore bringing in the program as a potential partner to strengthen investigations.



## Changes Made to the CIU

*The Complaints Investigation Unit has continued to evolve since its inception in 2019 — even between the time the Evaluation and Research Unit started gathering information for this assessment in August 2023 and the finalization of this report in March 2025. Many of the changes noted below appear to address identified areas of concern or coincide with several of the included recommendations. These interim developments reflect an ongoing trajectory of change that has the potential to transition the program into one that's better equipped to make a sustained positive impact on the organization.*

In May 2024, the CIU was restructured from reporting to the Chief Operating Office to reporting to the Chief Human Resources Officer—it remains a Non-Departmental Office. The Jemmott Rollins Group's 2018 recommendations suggested that due to general distrust in human resources at the time of CIU's creation, the unit should not be housed under Central Human Resources or Department Human Resources. However, CIU was moved to report to Central Human Resources in May 2024 to allow for more coordination and collaboration between related human resources functions and personnel, such as Organizational Learning. The Chief Operating Officer and Deputy Chief Operating Officer continue to participate in the protected class committee meetings to ensure cases are reviewed at the highest level in the organization and to maintain countywide consistency. Around the same time, a new interim director was appointed to the CIU who has overseen a slate of substantive changes to the program's processes and policies.

The CIU created a [short document](#) that explains the CIU process and gives an overview of what to expect. This document is provided to the Reporting Party, the Responding Party and other interest holders when they become involved in the process. This handout also shares definitions of terminology commonly used during and in reference to the process, as well as a summary of rights afforded to CIU investigation participants and other resources available to them. This document also informs participants that retaliation is prohibited and that the CIU's goal is to finish the investigation within 90 days of the intake meeting with the harmed party.



In response to the common criticism regarding the length of time it takes the CIU to complete an investigation, the unit has established new internal timelines and processes to help address these concerns. For example, the intake summary is now expected to be completed and distributed to the Harmed Party within two weeks of their intake interview. This is a key opportunity to let the Harmed Party know what to expect and how the complaint will be handled.

Other process improvements aim to make CIU investigations more efficient so that these deadlines are met. Historically, the CIU coordinator created the schedule for all meetings and interviews. Now, however, CIU participants have the option to book their appointment with a CIU investigator, rather than having their interview scheduled for them. This allows the interview to be conducted at a time that is convenient for employees and helps reduce missed or rescheduled interviews. Additionally, the Protected Class Committee now has standing meetings twice a month, which reduces the lead time needed to schedule a committee meeting after an investigation has concluded.

Another prevalent complaint about the CIU was the perceived lack of transparency in the process. A particular critique came from Responding Parties stating that they were not prepared to present their side of the case because they did not know the nature of the allegations brought against them. Starting in 2024, the CIU has shared more specificity of the allegations when they contact the Responding Party, giving them the opportunity to better prepare for their interview. Additionally, Labor Relations, equity managers and the Responding Party's supervisor are now looped in on the initial email to the Responding Party so that everyone receives the same level of information.

The CIU has also begun to establish more partnerships and regular meetings with interest holders within Multnomah County. They are now regularly meeting with Labor Relations and will soon have regular meetings with equity managers. This will help establish relationships with interested parties and can help identify issues that can improve the CIU or help troubleshoot issues within Multnomah County before they escalate into bigger challenges.

Post-investigation Meetings were not initially part of the process when the CIU was first developed, but now are an important component of creating buy-in and accountability for the CIU's findings. The

Post-investigation Meetings consist of the CIU investigator, department HR and the Responding Party's supervisor, and are held before the Protected Class Committee meeting to help create a recommendation for action, as well as to develop a plan to implement that action. The CIU has developed a worksheet to be used during the Post-investigation Meeting that defines roles and lays out concerns for those attending the meeting, which helps to facilitate communication and create accountability mechanisms.

Future evaluations of the CIU may explore whether the changes the CIU has made in 2024, as well as additional changes they may make soon, improve the experience for employees involved in the CIU process. As the CIU continues to evolve and implement new policies and strategies for both responding to and preventing discrimination and harassment in Multnomah County, these practices should be examined to ensure a workplace that welcomes employees of all races, gender identities, sexual orientations and backgrounds.

## A CIU Reorientation, Leveraged by a Broader Emphasis on Organizational Culture

Taken together, the results and recommendations from this report suggest that now may be an opportune time to reorient the Complaints Investigation Unit to better demonstrate and articulate its value to the organization and improve its reputation among County employees.

The CIU was originally established as a resource to handle employees' protected class complaints that, in practice, have been adjudicated through relatively long, arduous investigations. This report's recommendations to increase investments in restorative justice personnel and approaches can help the CIU meaningfully reorient itself as a program to both investigate complaints and to aid in rebuilding and repairing camaraderie among colleagues and within teams — a shift that can also help improve its reputation and trustworthiness among County employees.

This reorientation also presents an opportunity to rename the unit itself. "Complaints Investigation Unit"

reflects an explicit focus on investigating complaints. But with an increase in its restorative justice offerings, a new name for the unit may be used to communicate a clarified version of the program's functions and focus. This could contribute to efforts to build up employees' perceptions of safety with and trust in the unit, especially among those who desire these restorative approaches. The ERU is not recommending a specific name for the unit, but suggests that any new name emphasizes the fuller range of remediation options available from the unit.

An outreach campaign should happen concurrently with this reorientation and renaming, emphasizing that investigations are just one of several tools available to resolve policy violations and mediate conflict. This outreach should detail the changes that have been made and any planned changes that could benefit employees.

However, this recommended effort for the CIU would be best leveraged in alignment and partnership with an intentional, resourced and clearly communicated push to improve the County's workplace conditions and organizational culture.

Crucially, the CIU does not exist in a vacuum, but rather at the intersection of County policies, legal protections, interpersonal dynamics and organizational culture. Most often, the CIU is engaged to address the tail end of conflicts that have

already occurred and remain unresolved, despite other avenues and interventions the County ostensibly has in place. In this way, the unit's core task has become to help resolve the symptoms created by a workplace culture in need of improvement.

Multnomah County should continue to evolve and improve its organizational culture toward a workplace that interrupts and eliminates the situations and conditions driving the need for a program like the CIU. This will require substantive and meaningful shifts across the County, including:

- Embedding preemptive team-building, conflict resolution and restorative justice practices across the County by providing training for managers, HR and staff, in alignment with the Workforce Equity Strategic Plan Benchmark 2.5.
  - This could include required training for managers at all levels, HR, and staff on strategies for effectively working together during difficult situations while also building and maintaining relationships, and creating support systems between peers.
- Renewed emphasis on leadership modeling accountability, resolving conflict, maintaining effective working relationships and creating more cohesion.
- A focused, coordinated effort to align existing strategies (e.g., from the WESP, current onboarding and training, departmental work to address employees' needs), review, update, and implement policies and practices, as well as to develop and resource additional approaches, that are expressly designed to create these desired workplace conditions.
- We recommend the establishment of a workgroup to organize and prioritize a focused, coordinated effort to align existing, and develop new, strategies that promote and advance desired culture change. One goal of the workgroup may be to investigate the root causes of higher separation rates among Black and African American employees. This workgroup should:
  - be sponsored by the Chief Operating Officer
  - be co-led by the Chief Human Resources Officer, the Chief Diversity and Equity Officer, and the Director of Strategic Initiatives
  - engage with a broad group that includes department and countywide leaders, equity managers, ERG and union leaders, HR staff, and others

- the workgroup may include leveraging external consultants for specialized expertise.

## Conclusion

The recommendations presented in this report expand the scope of the Complaints Investigation Unit to offer more resources for County employees that go beyond investigations of protected class complaints. In an ideal workplace, there is no need for the CIU to exist; coworkers and managers would be able to work together side-by-side and work out disagreements with each other in a respectful manner. In this scenario, protected class complaints would not occur and there would be nothing for the CIU to investigate. While the CIU is positioned to help the organization and its workforce navigate the realities of discrimination and harassment, workplace conflicts and challenging team dynamics, the current model is insufficient for moving Multnomah County meaningfully closer to that ideal workplace. Complaints and their ensuing investigations have, in large part, become the end products of conflict that has already occurred.

Ideally, Multnomah County should continue to evolve and improve its policies, practices and culture toward interrupting and eliminating the workplace situations and conditions that drive the need for a program like the CIU. This would

require substantive shifts across the County, including a renewed emphasis on leadership modeling and equipping managers and employees to build accountability, resolve conflict, maintain effective working relationships, and create more cohesion. These ongoing preventative processes, as well as the work of strengthening conflict resolution and restorative approaches as better-featured functions of the CIU process, may help achieve the [CIU's vision](#) of a workplace where employees at every level experience safety, trust, and belonging, as well as freedom from discrimination, harassment, and retaliation.