



ADMINISTRATIVE PROCEDURES

SECTION: 200 – General Administration	PROCEDURE #: 205 - A
TITLE: Reporting of Improper Governmental Conduct	IMPLEMENTS POLICY #: 205
SPONSORING DEPARTMENT/DIV: County Administrative Office	
EFFECTIVE DATE:	REVISED: 1/10/2023

OBJECTIVE: To establish procedures for investigating reports of improper governmental conduct received via the Ethics Matters Hotline or by other means. The Ethics Matters Hotline (“Hotline”) is provided as a means for the public and employees to report allegations of governmental misconduct. The 24 hours a day, 7 days a week hotline provides both on-line (website) and operator assisted (contact center) reporting options and augments other reporting options described in the Reporting of Improper Governmental Conduct Policy.

DEFINITIONS:

“Administrative Review or Administrative Investigation” means any review or investigation that was commenced without the County having received a report of improper governmental conduct through the Ethics Matters Hotline or by any other means.

“Administrator” means the point of contact for implementation and set up of Issue and Event Manager. The Administrator will train and manage all Report recipients for the Issue and Event Manager. The Administrator has the ability to add new users to the system, modify user profiles and delete user profiles. The Administrator has access to all reports and all issue types within the system. The Controller shall be designated as the Administrator.

“Authorized Officer” means the person who has signature authority and can make critical decisions regarding Ethics Matters Hotline reports and system administration. The Authorized Officer has the ability to review the Administrator’s audit trail and can remove the current Administrator and appoint a new one. The responsibilities of the Administrator will fall to the Authorized Officer in the event of the Administrator’s absence. The Assistant County Administrator shall be designated as the Authorized Officer.

“Advisory Committee” means the individuals charged with oversight of the Ethics Matters

Hotline. The committee shall include the Assistant County Administrator, Chief Human Resources Officer, Chief Finance Officer, Controller, Director of Access and Opportunity, and County Counsel. The group shall 1) monitor the Ethics Matters Hotline for effectiveness and efficiency; 2) review supporting procedures and modify as appropriate; 3) develop and implement marketing and communication strategies; and 4) other functions as necessitated by the implementation and administration of the Hotline

“Ethics Matters Hotline” mean the Washington County hotline that allows community members and employees to anonymously report concerns about the conduct of county employees, officials or agents of the county.

“EthicsPoint” means the third-party provider electronic system used to administer County’s Ethics Matters Hotline.

“Improper governmental conduct” means conduct or actions of County employees, officials, contractors, or agents that constitute waste, fraud or abuse.

“Investigating Employee” means the person charged with conducting the investigation of improper governmental conduct. This person may or may not be the receiving employee or official.

“Receiving Employee or Official” means that employee or official who is assigned to a report, complaint or concern of improper governmental conduct received through the Hotline or by other means. For the purpose of the Hotline, the “receiver” will be the employee or official assigned the report by the Advisory Committee.

“Reporter” means the person accessing the Hotline to report allegations of improper governmental conduct.

PROCEDURES:

1. Administration.

1.1. The County will investigate all claims of improper conduct and ensure that appropriate corrective action is taken in response to reports received through the Ethics Matters Hotline. The procedures and requirements set forth herein shall not apply to any Administrative Review or Administrative Investigation.

1.2. Written notices explaining the purpose of the Ethics Matters Hotline and prominently displaying its phone number shall be posted in County offices.

2. Distribution Protocol.

Reports of improper governmental conduct received through the Ethics Matters Hotline or by other means will be logged into and documented in the EthicsPoint computer system and will be distributed to a receiving employee or official as determined by the Advisory Committee.

The following guidelines will be used to inform the Advisory Committee's assignment of reports of improper governmental conduct received via the Ethics Matters Hotline or by other means.

- 2.1. Where the alleged improper governmental conduct is believed to have been committed by employees of a specific department, the report may be referred to the department director or person designated next in charge;
 - 2.2. Where the alleged improper governmental conduct is believed to have been committed by a department director or office manager, the report may be referred to the County Administrator (or designee);
 - 2.3. Where the alleged improper governmental conduct is believed to have been committed by a county official appointed by the Board of Commissioners, the report may be referred to the Chair of the Board of Commissioners;
 - 2.4. Where the alleged improper governmental conduct is believed to have been committed by an elected official, the report may be referred to the Chair of the Board of Commissioners or a non-culpable Board member;
 - 2.5. Where the alleged improper governmental conduct is believed to have been committed by the County Commission, the report may be referred to the County Auditor; and
 - 2.6. Reports may be referred to other county employees or officials based on the specifics of the allegations, including Human Resources and County Counsel, as determined by the Advisory Committee. The report may also be referred to an outside agency as deemed appropriate by the Advisory Committee.
3. Responsibility of Receiving/Investigating Employee or Official.
- 3.1. The receiving or investigating employee or official shall conduct an investigation in accordance with the requirements of the Reporting of Improper Governmental Conduct Policy.
 - 3.2. The receiving or investigating employee or official shall request Human Resources or County Counsel conduct or assist with the investigation.
 - 3.3. The investigation shall be completed in a manner that will not result in any unreasonable embarrassment to the subject of the investigation or witnesses.
 - 3.4. The investigating employee, in consultation with Human Resources and County Counsel, shall determine whether or not the alleged improper governmental conduct includes possible fraud or other criminal activity or a possible violation of ethics laws set forth in ORS chapter 244.
 - 3.5. If at any point, the investigation reveals that fraud or any other criminal activity may be occurring or may have occurred, the investigating employee, after consultation with Human Resources and County Counsel, shall suspend the investigation and notify the appropriate law enforcement agency of the potential fraud or other criminal activity.

- 3.6. If at any point, the investigation reveals that a violation of ORS chapter 244 may be occurring or may have occurred, the investigating employee, after consultation with Human Resources and County Counsel, shall suspend the investigation and notify the Oregon Government Ethics Commission of the potential violation.
- 3.7. If at any point, the investigation reveals that disciplinary action may be taken against a public official, the investigating employee shall suspend the investigation until the disciplinary process has been completed.
- 3.8. The investigating employee, upon conclusion of the investigation and any actions taken by the County or other agencies pursuant to sections 3.4 – 3.7, shall prepare a written report setting forth the allegations and findings. In the event that disciplinary action is taken against a public official, the written report shall be exempt from disclosure as a public record pursuant to ORS 192.345(12). The investigating employee shall exclude the name of the reporter from the written report.
- 3.9. Upon completion of the investigation, the written report shall be subject to disclosure as a public record under ORS 192.311 to 192.431 unless an exemption from disclosure set forth in a provision state or federal law applies to the records, except that the identity of the reporting individual or employee shall remain confidential.
- 3.10. The investigating employee shall present his or her written report to the receiving employee or official, Human Resources, County Counsel, and the non-culpable department head or elected official having authority over the matter investigated.
- 3.11. A copy of any written report finding that employees, officials, or contractors of the County have been involved in activities that constitute waste, inefficiency or abuse shall be provided to the non-culpable department head and non-culpable members of the Board of County Commissioners.
- 3.12. The receiving or investigating employee, Human Resources and County Counsel will meet with the appointing authority or elected official to discuss the appropriate action which may include, but is not limited to, modifying department procedures and/or other appropriate actions.
- 3.13. The receiving or investigating employee shall notify the Reporter through the Hotline as to whether the complaint was sustained, un-sustained or referred to the appropriate appointing authority for resolution.
- 3.14. The Administrator shall prepare a statistical summary of the final report and provide it to the County Auditor. The summary shall include the following:
 - 3.14.1. Date the report was received
 - 3.14.2. Date the report was assigned to a “receiving” employee or official
 - 3.14.3. Date the final report (investigation) was completed
 - 3.14.4. Name of “receiving” employee or official
 - 3.14.5. Name of investigating employee
 - 3.14.6. Brief description of the allegation
 - 3.14.7. Determination of Investigation and brief description of the findings.

3.14.8. Upon closing a case in EthicsPoint, the Administrator will extend case access in EthicsPoint for an additional thirty (30) days from the closing date to allow the Reporter time to respond to the findings.

4. Processing Reports Not Involving Improper Governmental Conduct

If it is determined that the allegations in a report do not involve improper governmental conduct as defined in Policy 205, the report shall be marked N/A and a complete unredacted copy of the report and any additional information received through the Hotline shall be forwarded to the appropriate appointing authority for review, potential investigation, and documentation. Cases involving human resource allegations will be sent to the Department Human Resources, cases involving Civil Rights/Title 6 allegations will be sent to the Office of Access and Opportunity, and cases involving allegations against an active criminal case being managed by the District Attorney's Office will be forwarded to the District Attorney's Office. All reports and information received through EthicsPoint that do not involve improper governmental conduct shall be maintained as confidential. Following the transmittal of a complete unredacted copy of any report and supporting information that does not involve improper governmental conduct, the names and any identifying information related to persons named in the report and supporting information shall be redacted from EthicsPoint to maintain confidentiality. A notation shall be made in the EthicsPoint stating where the case was transferred to.

5. Additional Responsibility of Administrator.

- 5.1. Convene Advisory Committee upon receipt of a report and at other such times as necessary to administer the Hotline and timely respond to reports.
- 5.2. Communicate the status or conclusions of an investigation to the reporter through Ethics Matters based on the statistical summary.
- 5.3. Identify Ethics Matters software elements and tools that may be of use to the County and present for review and approval by the Advisory Committee.
- 5.4. Facilitate and monitor the consistent posting of hotline notices in work areas, public bulletin boards and presence on the County home page website.