INVESTIGATION REPORT

Prepared For

THE WASHINGTON STATE

CRIMINAL JUSTICE TRAINING COMMISSION

by

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March 2, 1995

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SCOPE AND METHOD OF INVESTIGATION

Scope of Review. The investigation focused on the formal complaints and declarations brought against the Washington State Criminal Justice Training Commission (hereafter referred to as CJTC) and any related issues within the CJTC work environment. Other investigations and discovery processes were taking place simultaneously, but this investigation was separate from these processes and there was no sharing of information other than copies of the initial complaints. This investigation did not attempt to cover all of the issues, testimony and documents that were part of other investigation or discovery processes. Not included in this report are issues related to the concerns from the Commission on African American Affairs about compliance with House Bill 1966 (Racial Disparity) and the mandate for incorporation of diversity training for police and corrections officers.

Method of Review. The primary method of seeking information was through interviews with current and former employees. This included all of the employees or former employees who made formal complaints against the Commission, except for Carole Carpenter. She could not be located and was not part of the group who made declarations to the African-American Commission. In addition to those making formal complaints, the consultant interviewed the individuals who made declarations through the African-American Commission except for Lester Liggins and Mala Nagarajan. Lester Liggins' declaration did not raise any specific issues and Mala Nagarajan's declaration raised issues about the general work environment but did not address any of the issues contained in the formal complaints. Both declarations were considered and used as part of the discussion of general attitudes and concerns. The consultant interviewed twenty-five of the thirty employees filling positions listed on the November 23, 1994, CJTC organization chart. The consultant also interviewed several contracted employees not listed on the chart and four former employees. Although some of

the individuals interviewed did not have direct knowledge of the incidents in the complaints, everyone interviewed discussed organizational environment issues.

In addition to interviews, the consultant considered written statements from several employees who were not interviewed. The consultant also reviewed documents and contemporaneous notes from some of the individuals interviewed that related to some of the incidents discussed.

How Conclusions and Recommendations Were Formed. Because much of the information from this investigation was, by necessity, anecdotal and represented perceptions as well as facts, the consultant looked for patterns of repeated behavior, verification of facts and significant differences in facts and perceptions. To the extent reasonably possible, the consultant attempted to learn whether or not the interviewee's observations were from personal experience, from direct observation of an incident, or from talking to someone else. If the statements were based only on hearing the information from another person, this information was compared to that received from persons who had first-hand knowledge of the information. In some instances, backup materials or documents were sought to corroborate the statements.

Credibility of witnesses and information was clearly an issue in this investigation and several persons expressed concern about misinformation and false statements in some of the declarations. Because there was no opportunity to hear cross-examination of witnesses or obtain testimony under oath, the conclusions consider credibility but primarily focus on factual information as much as possible.

The consultant also found it difficult to investigate the full range of issues because of the large number of complaints in various stages of litigation. Other complaints were either raised in the declarations or emerged in interviews with the employees during the course of the investigation. Thus, it was not always possible to go back and obtain appropriate follow-up information and bring closure to the full range of issues within each separate complaint and

still conclude the investigation within a reasonable scope and time period. Therefore, the conclusions and recommendations encompass general problems and issues but the consultant did not make findings about specific complaints that are currently in litigation.

Definitions and Acronyms. In this report, the term "management" means any employee in an exempt role or a position identified as part of the Washington Management Service. The term "executive management" means the combination of the Executive Director and Assistant Director positions. BLEA is the acronym used for the basic law enforcement academy. The term "HRD4" is the shortened version of one of the job classifications in the Human Resources Development series of the Department of Personnel classifications.

Organizational Structure Considerations. CJTC has separate programs within the larger organizational structure, each having its unique history and operating methods. It is important to keep this in mind when considering how some events are characterized and analyzed for the investigation of the total work environment. For example, the way in which BLEA was operated changed in January, 1993, from a contract with the Seattle Police Department to a multi-cadre organization. In the new BLEA structure, supervisory and full-time instructional employees are contracted from many different police agencies with no continuing employment rights beyond the length of their respective contracts. Under the multi-cadre structure, CJTC has more direct responsibility for hiring and terminating instructors and setting performance guidelines than it did under the Seattle Police Department contract.

The corrections academies are managed by full-time state employees who are either hired under the Department of Personnel merit system rules, the new Washington Management Service or as exempt administrative appointments.

BLEA uses titles commensurate with a police agency structure. Other parts of the organization use more conventional organization titles such as supervisor, manager, training coordinator, etc. All parts of the organization use contracted part-time instructors whose employment rights are limited to the terms and conditions of their individual contracts.

Issues of Confidentiality and Participation. Because employees expressed concern about how the information they provided would be used, considerable effort has been made to treat that information confidentially. Participants were told that confidentiality could not be absolutely guaranteed for participation in this investigation, but the consultant has tried to maintain the anonymity of individuals in this report wherever possible. Where statements have already been published through declarations or individuals have been formally named as complainants or defendants in formal complaints, the report will use those names to identify statements.

The consultant was impressed with the candor and cooperation she received from everyone involved in this investigation and the participants' expressed desire to achieve resolution of the issues.

CONCERNS ABOUT THE TREATMENT OF WOMEN AND PERSONS OF COLOR

All of the formal complaints against CJTC and the majority of the declarations brought forward by the Commission on African-American Affairs speak to work environment issues at the Training Center which have allegedly had a negative impact on women and employees of color. *Discrimination, harassment* and *hostile environment,* in the sense of our civil rights laws, do not have mathematically precise definitions. The terms have generally evolved to mean conduct, both direct and indirect, which have the purpose or effect of showing hostility or aversion toward an individual or group of individuals because of race, color, gender, national origin, disability, etc. and unreasonably interfere with an individual's work performance and employment opportunities. Each separate legal complaint involving alleged acts of discrimination must be decided by its own unique facts and individual merits, but most organizations today try to address general concerns because they want to create an harassment-free environment. Most organizations are also concerned about protecting themselves from liability for acts of discrimination. More importantly, most organizations want to foster a work environment that emphasizes productivity and quality work. Organizations usually do not *intentionally* create "hostile environment" situations, but intent is not part of the legal measurement.

The Equal Employment Opportunity Commission has said that employers have a duty to maintain a harassment-free environment. Is there an adverse environment for women and employees of color at CJTC? According to the majority of women and employees of color interviewed for this investigation, the answer is "yes." However, the situation at CJTC is more complex than that simple answer suggests. This report does not make specific findings related to each individual formal complaint against CJTC, but issues raised in those complaints and the declarations about an allegedly hostile work environment are discussed throughout the report, along with other examples obtained from employee interviews. Many of the examples

employees used to describe the environment at CJTC are indicative of organizational problems separate from discrimination issues. It is possible that some of the complaints may meet the legal tests for findings of discrimination, but for reasons already discussed in the scope and method section of this report, the consultant does not make conclusions measured by a legal standard.

Organizational Power Structure. Of the 31 regular employee positions hired as of December 16, 1994, 17 are filled by women and 14 by men. Five of the 31 (16%) employees are persons of color. Of the seven management positions (three exempt administrators, the financial officer and three Washington Management Service positions), six are held by men, with one man a person of color, and one is held by a woman. The two executive management positions are both filled by white men. This configuration does have a representative woman and a representative person of color, but some employees questioned whether or not these two individuals had any real power and authority in the management structure. Some were surprised to learn that the one management representative of color was even considered to be a manager and did not list this position when asked who was included in "management."

The existence of a management structure dominated by white men does not automatically mean an organization will be insensitive to issues confronting women and persons of color. Conversely, a diverse structure does not guarantee sensitivity or nondiscrimination. Unfortunately, the predominance of white males in management positions tends to reinforce a widely-held perception by some that CJTC is a "good ol' boys" club with little opportunity or access for women and persons of color or for those who hold different values from the top management. This perception was further exacerbated by the change in management structure during the summer of 1994 which will be discussed at greater length in another section of this report. Several individuals also noted that the direct appointment of one of the most-recently-hired women employees to a management position had been

controversial. Other employees questioned whether or not executive management was supportive of women managers.

A woman administrator, formerly employed in a top management position at CJTC, stated that she felt that Director Scott had been supportive of women managers, and, further, was supportive of diversity in management ranks. She did remark, however, that Jim Scott seemed to tolerate behavior from male managers that some women might perceive as non-supportive.

Former BLEA Commander Oliver Moore, an African-American male, stated that he felt that "he was there for show" and not given the authority commensurate with what he believed the position of BLEA Commander should have. Jim Scott stated that the employment of Oliver Moore as the Commander of BLEA had been viewed positively by executive management even though he was aware that Captain Moore had stated in his declaration that he had not always felt "supported." Mr. Scott felt that the differences in how he and Captain Moore saw the BLEA Commander position were issues of organizational structure and authority, not color or race.

Other issues relating to management structure are discussed in greater detail in other sections of this report.

The following sections describe in greater detail the feelings and experiences of a number of the persons interviewed about organizational attitudes toward women and persons of color.

Attitudes Toward Women. Many of the women interviewed described practices and incidents that indicated ways they felt women were devalued or discounted. Even women who did not specifically state that they felt devalued as women described incidents where they were put in uncomfortable situations that some described as "hostile." Many of these situations involved male supervisors. (A number of persons interviewed used the word "hostile" in a general sense and not as a term of art describing discriminatory behavior.) Although it is

difficult to categorize behaviors to capture all of the complexities and situational contexts, the following categories of behaviors will be used to describe both tangible and intangible elements of the employees' stories: (1) marginalizing and discounting, (2) intimidating and silencing, (3) labeling and stereotyping, (4) isolating and restricting access to assistance and information, and (5) questioning competence based upon *ad hoc* standards.

Marginalizing and Discounting. A number of women talked about ways they felt they had been discounted, either individually or as part of a group. Many felt their views were written off as irrelevant or their concerns were ignored or categorized as being of little consequence. Several women gave as an example of group discounting the frequent reference by some male employees to "the women upstairs." (This term applies to the group of professional corrections academy employees who are housed on the second floor of the administration building.) A number of men commented that this group "feeds on each other's problems." Women responded that when a problem arises and women in the group come to the support of each other, the problem may be discounted because male managers believe "the group has blown it out of proportion." One woman commented that it was ironic that CJTC management only seemed to take the women's problems seriously when Tony Lukin, a white male, became involved with their concerns and these concerns were reported in the newspaper. Another woman said that the "women upstairs" were aware that they were also viewed by some as "the women vs. Roger [Heine]" or "the trouble-makers" and felt that management often did not want to see beyond the label.

Several male managers acknowledged that they and other male employees have referred to the group of women described above as "the women upstairs." But some men do not agree that the female corrections employees were always viewed or treated "as a group" or that their concerns were not taken seriously. A number of the men were also angered by the notion that some women think that their issues "were taken more seriously" when Tony Lukin became involved in their issues. Several noted that two serious grievances arose during the

time Mr. Lukin was part of top management. Tony Lukin was a participant in the termination decision regarding Maureen Stich and he was the administrator who advised Maureen Stich of that decision. According to Roger Heine, Tony Lukin was also a "consultant" to Roger Heine in the issues involving Karen Gibson. Several men stated that Tony Lukin had not raised any of the women's concerns prior to his raising his own grievance issues with CJTC.

Silencing and Verbal Intimidation. Another means of not allowing an individual or group to have value is to either disallow expression of alternative opinions or to use intimidation to keep differences from being considered. Many employees, both men and women, expressed the view that voicing opinions contrary to what management wanted to hear was not encouraged and was, in fact, actively discouraged. Although many employees thought that silencing and intimidation strategies were used against both men and women, many of the women and several of the men felt that women were most particularly the recipients of this type of behavior. Criticism, cutting remarks or other types of verbal put-downs were the primary behaviors employees described as intimidating. Some women described being "yelled at" by male employees. Some of these incidents involved male supervisors and female employees.

While the majority of incidents described occurred at the Burien Training Center, one employee did describe a series of incidents with a male supervisor in the Lacey office. One significant difference between the incidents at Burien and the situation at Lacey was that the woman employee in the Lacey office felt that the Director had dealt with the problem. In contrast, the Burien Center employees describing these incidents felt no support from management for resolving their issues. One employee remarked that there seemed to be an "automatic protection" for men who behaved this way and the behavior was simply dismissed with a "that's just the way 'so-and-so' is" type of attitude.

Several women mentioned that after the articles appeared in various newspapers and their complaints became known, they were subjected to hostility by supervisory staff and others in ways they felt were intended to silence them.

Not all of the intimidating communication mentioned was verbal. Karen Gibson's original sexual harassment complaint against Roger Heine alleged that "his body language was sexually inappropriate and unwelcome." Karen Gibson also described Roger Heine's written response to her for taking her complaint to the director as having "an intimidating tone" that she considered to be an "act of retaliation." Tony Lukin also mentioned Roger Heine's May 4, 1993, memorandum in his declaration when he says that "I don't know the content of the letter but my understanding [is] . . . .that it is a very rough and pointed letter outlining his feelings kind of what I assume was a hostile manner to Ms. Gibson."

In the memorandum from Roger Heine to Karen Gibson regarding Karen Gibson's complaint to Jim Scott about Roger Heine's body language, Roger Heine stated, ". . . I have no idea of how anyone could make such an unfounded and unwarranted conclusion. I flatly reject any claim that I was in any way disrespectful or sexually suggestive." Roger Heine then goes on to say, "Given your recent assignment as a supervisor of two training coordinators, your indirect method of handling this situation causes me concern."

During the investigation process, Roger Heine wrote a short memorandum to the consultant stating, "As I may have said to you, the manner and content [of the memo] are, in retrospect , a big mistake. If I were to apologize to Karen for anything, it would be [for] the 'tone" of this memo. I had no one to advise me on this except Tony Lukin, who was the Administrator for Law Enforcement at the time. . . . I trust you will not judge me and my response through one memo. I believe I have worked hard and earnestly to treat everyone fairly, while still keeping in mind the mission of the agency." The consultant concluded that Roger Heine felt frustrated by the internal handling of the complaint but also did not feel he could seek outside assistance. The consultant notes that while Roger Heine does not agree

that the body language described by Karen Gibson was sexual harassment, he did apologize after the first incident. After Karen Gibson took her complaint to Jim Scott, there is no evidence that there was any repeat of the behavior described in the initial complaint.

A number of employees believe that some women have left the organization because they were subjected to "hostile" and "intimidating" treatment. This was a difficult allegation to investigate or substantiate because there are often a combination of factors involved when employees leave an organization and the stated reasons usually involve other career opportunities and may not encompass the full range of reasons. Although the notion that employees left because of the work environment was a frequently voiced comment, there was insufficient evidence to allow the consultant to reach any conclusions about whether this was a reason for employee turnover.

Most of the complaints of male v. female intimidation come from women employees against male employees at the Burien Center, but several women employees said that they felt very intimidated by Jim Scott in interactions with him over difficult issues. This description of intimidation did not take the form of raised voices or cutting remarks but did have forcefulness and perceived anger as part of the communication.

One woman employee commented that even though Jim Scott supported her discrimination complaint and brought about an acceptable remedy, his refusal to allow the presence of another woman employee to support her during the meeting where she discussed the complaint with him made it more difficult to deal with the humiliation she was feeling. She said that it was difficult to have to tell her story to the chief executive officer of the organization and she did not understand his adamant refusal to her request. Thus, she said she felt as victimized by the way he treated her as she was by the circumstances that lead to the complaint in the first place. Jim Scott, on the other hand, seemed genuinely surprised to hear that the woman employee just mentioned had felt intimidated by him during the course of his investigating and resolving a discrimination complaint. He thought he had made it clear to her

rumors about her personal life did not affect how they felt about her or how she would be treated, she later came to believe that the BLEA staff began to view her as a liability and this also influenced her choice to leave her contract early. It is noteworthy, however, that Marian Honeysuckle did continue as a volunteer team teacher for the diversity class for BLEA even after she had resigned from her full-time CJTC position. Detective Honeysuckle feels she has been unfairly victimized by the way this issue was handled. Both Detective Honeysuckle and Mr. Lukin were emphatic about the fact that they were not having an affair.

Tony Lukin's declaration also identified Robin Pastor as "the other woman [he] was allegedly having an affair with." Ms. Pastor was annoyed when she learned that this allegation had been made by a male staff member of the BLEA staff. She also expressed concerns about how management had handled the inquiry. Further, she objected to how Tony Lukin's statements in his declaration characterized her responses to the situation and felt his statements regarding her were "out of context" and "given a different slant." The totality of all the previously described conduct left Robin Pastor feeling "used" by the various men who discussed her alleged affair with Tony Lukin.

The basic law enforcement supervisors and executive management have a different account of how the situation developed regarding the inquiry into the possible relationship between Tony Lukin and Detective Honeysuckle. Issues arose among the BLEA staff about whether or not the chief administrator for the law enforcement section of CJTC (then Mr. Lukin) should be spending so much time meeting with Detective Honeysuckle off-site during both regular work hours and after hours and often working together behind closed doors at the Center. Several of the male employees stated that they had talked to Tony Lukin about this concern because there was potentially an issue of fairness and favoritism. Tony Lukin and Detective Honeysuckle say that they were working on the diversity curriculum or other training issues during the times about which the staff had complained.

There were also statements from several BLEA employees that Tony Lukin had engaged in "locker room talk" about Detective Honeysuckle that indicated Lukin's desire for a more personal relationship with her. Several noted Tony Lukin's statements to some of the other male employees did not reflect Detective Honeysuckle in a professional light. According to Jim Scott, it was not just the concerns from staff that caused him to investigate, but, rather, it was those concerns in conjunction with related concerns raised by a police chief about Tony Lukin. The chief inquired of Jim Scott as to whether or not Tony Lukin was potentially dangerous. The chief's question was based on a concern he had received from one of his female officers about her fears for her safety, based upon her personal relationship with Tony Lukin. This chief also stated that the officer had said that Mr. Lukin was having an affair with a staff member at the academy.

Jim Scott stated that he told the chief that he did not believe that Tony Lukin was dangerous. Mr. Scott went on to say that he did make an informal inquiry about the statement that Tony Lukin was having an affair with a female staff member because this raised concerns about unprofessional behavior and possible fairness issues for other employees serving under Mr. Lukin's administration. Mr. Scott also had concerns about the potential liability for CJTC for possible non-consensual relationships between a supervisor and subordinates.

According to Tony Lukin's declaration and his statement during the investigation interview, when Jim Scott confronted Tony Lukin about his behavior, he told Tony that Tony was "like an animal around a bitch in heat." Jim Scott emphatically denies that he used such a phrase. Gary Wegner, who was also present for the discussion about Tony's work problems, also says that no such language was used.

Although Jim Scott agrees that he did not talk directly to Marian Honeysuckle about his inquiries (Gary Wegner talked to her), Mr. Scott disagrees with the contention that he contacted the King County Sheriff about the issue. According to Jim Scott, the Sheriff asked him how Marian Honeysuckle was getting along at the academy because he had heard about

that he supported her and took quick action to stop the behavior described in the complaint. The consultant also notes that since the employer has a duty to try to maintain confidentiality about harassment complaints, it is sometimes a problem if other persons are included who do not have a role in explaining or resolving the issues.

Several other women described feeling overwhelmed or upset about how forceful Mr. Scott could be in discussions about work performance or other work-related issues. The consultant noted, however, that women who work directly with Mr. Scott on a day-to-day basis have a very different perception of how he treats women than do those who do not work with him directly and only deal with him occasionally. Although most women would describe his style as "formal" rather than "casual," those who are around him regularly are more likely to see the caring and compassionate side of his nature.

Labeling and Stereotyping. One type of remark that emerged in discussion with many employees, particularly women, was the concern about how often women were "labeled" or stereotyped in ways that do not appear to apply to men. One woman commented that "it always seems like the victim gets trashed around here." Many women feel, and the consultant concurs, that rumors and labels about women often carry connotations of sexual promiscuity. This is particularly offensive to women who do not want their professional reputations damaged by the suggestion that they use sexual wiles to procure employment opportunities and success.

This concern about damage to her reputation was expressed by Detective Marian Honeysuckle who felt she was "humiliated and defamed" by Jim Scott's investigation into her personal life, without her knowledge, based upon rumors that she was having an affair with Tony Lukin. She says that she was assured by Gary Wegner that the rumors that gave rise to the inquiries would not reach back to her own organization. She ultimately learned, however, that information did reach the King County Sheriff, the chief executive officer of her agency. Detective Honeysuckle said that while her supervisors at CJTC had assured her that the

some possible performance problems. Jim Scott says that there is no truth to the assertion that he was spreading rumors or information about Detective Honeysuckle. Gary Wegner also stated that he talked to Marian Honeysuckle on two separate occasions about the inquiry into whether or not she and Tony Lukin were having an affair. He also stated that he did not make any assurances that rumors would not reach her home agency since that is something that is impossible to control. He did tell her that she was a valued employee and that this issue did not affect how they felt about her at CJTC.

It was clearly appropriate for Director Scott to question whether or not one of his administrators was engaged in behavior that could create morale problems and fairness issues for other law enforcement employees. Nevertheless, the circumstances surrounding the inquiry and management's failure to directly inform the women employees who were named as part of the alleged misconduct, left the women with the feeling that they were the ones who had been damaged.

One of the most pointed allegations of isolating and labeling behavior came from Tony Lukin's declaration when he stated that Jim Scott had said to him about Karen Gibson, "We are going to isolate that black bitch." Jim Scott has emphatically denied making any such statement to Tony Lukin or to anyone. Other persons interviewed (both men and women) who have worked closely with Jim Scott stated that it would be highly uncharacteristic for Jim Scott to use such phrases as "black bitch" or "bitch in heat" because that's not the way he talks. Mr. Scott's alleged remarks containing the word "bitch" to describe both Karen Gibson and Marian Honeysuckle represent two serious areas of factual disagreement.

Isolating and Restricting Access to Information and Assistance. On the basic law enforcement side of the organization, there were observations from several women employees that BLEA has been a tough environment for women. Several remarked that they had never experienced anything in their own law enforcement agencies that was even remotely like their experiences at CJTC. Several female BLEA instructors felt that men frequently helped each

other but mostly waited to see if the women instructors "could cut it." When asked what that meant, the response included statements such as:

- you need to be a really strong individual who can hold your own;
- you will be criticized, tested, attacked and talked about;
- you will be given the feeling that you are not really wanted there;
- you are thrown into the middle of things and expected to figure it out on your own.

Maureen Stich said that it was a frustrating experience to be required to take over in the middle of a class on her second day of employment and not have good guidance or directions to help her.

According to Jim Scott, it was unfortunate that Maureen Stich had to start her teaching career at the academy in the manner described above, but it was not a situation that was unique to her or to other women instructors. Circumstances sometimes demanded that new instructors be able to "hit the ground running." Gary Wegner also commented that the period of time when BLEA went through the transition from the Seattle Police Department to the multi-cadre organization was a difficult time for many of the people involved and "there was a lot of generalized anger and hostility." One of the women whose statements are included in the remarks above also said that the current atmosphere in BLEA was much better than her experiences during the transition.

Women employees who serve as clerical or technical support employees also raised concerns about lack of assistance and information. Several cited examples of situations where their input was simply not sought or they were not given information even though they were required to play a major role in the implementation. The consultant was not able to determine whether this alleged behavior was due to gender or was a result of how managers and professional employees perceive the role of support personnel. The majority of support employees are women.

Questioning Competence and Applying *Ad Hoc* Standards for Performance.

Organizations may legitimately use the defense of failure to meet performance standards when a current or former employee brings charges of discrimination, but issues around performance standards can also be a way of excluding certain individuals or groups whom the dominant group deem "not qualified." This can happen in a number of different ways. Sometimes a performance standard is put at a higher level than necessary because of the experience of those already in the organization. To overcome the differential in experience, some organizations provide more time or assistance when individuals with minimum qualifications begin the position so that they are given an opportunity to succeed in the position.

In several of the formal complaints against CJTC, complainants have alleged discrimination based on membership in a protected group where there appears to be no other credible explanation for the action taken against them. But the reaction from a number of persons interviewed about the complaints was that the reasons for the actions taken involved the complainants' basic competency and/or inability to meet appropriate performance standards.

BLEA supervisory personnel raised the issue of basic qualifications in regard to the allegations from both Maureen Stich and Marian Honeysuckle. Several felt that Maureen Stich had been hired by Oliver Moore only because of "politics" and his desire for a more "diverse" organization, not because her experience, work record or other qualifications made her a good candidate for the position. Likewise, some felt that Marian Honeysuckle had not had sufficient patrol experience and some other critical knowledge necessary to teach the tactical communications course with credibility.

Maureen Stich said that she had no forewarning that her contract was going to be terminated and all she was told during the termination meeting was that "people have been complaining about you" and that CJTC was terminating her contract. Other than that, she

stated that the supervisory personnel in the meeting really did not have much to say. She said she was never told what performance standards she was being evaluated against and feels that her pregnancy was the real reason for the early termination. Thus, the issues of being female and being pregnant are present in her complaint.

Marian Honeysuckle said that her supervisors told her that they wanted her to teach a different course because of problems they were having with another instructor. She said that during the meeting with BLEA supervisory staff, she was not told about any performance problems in the tactical communications class she had been teaching.

When law enforcement supervisory personnel were asked about the situations for both Maureen Stich and Marian Honeysuckle, they were very specific that performance and lack of appropriate experience were the reasons for the decisions. BLEA supervisory personnel agree that Detective Honeysuckle was not told the real reason she was being requested to teach a different course. They concur that she was told that their request was because of problems with another instructor, not because of her own performance. BLEA supervisory staff said that some individual issues had been discussed with Detective Honeysuckle and she had also expressed some frustration about the course at other times. They also said that there were no adopted performance standards used to guide her evaluation. There was some reliance on recruit evaluations and information other instructors learned about what was happening in Detective Honeysuckle's classes.

In the situation involving Maureen Stich, the decision was made to invoke the 60-day revocation clause and the time frame for her return to her home agency was negotiated directly with the agency and not Maureen Stich. The lack of stated reasons, coupled with no real opportunity to improve, left Officer Stich with the impression that her pregnancy was the real issue.

Captain Oliver Moore also stated that he had been asked by Gary Wegner whether or not he knew that Maureen Stich was pregnant when he hired her. Captain Moore says that he

told Gary Wegner that he did not know this, but Captain Moore also had the impression from that conversation that CJTC would not want to have to pay the Seattle Police Department for the time Maureen Stich would have to be on disability leave. Gary Wegner says that he did have an informal conversation with Captain Moore after a meeting where Mr. Wegner told Captain Moore that he had heard that Maureen Stich had been offered a position and he had also heard that she was pregnant. Gary Wegner asked Captain Moore what arrangements he planned to make to fill in for her leave. According to Gary Wegner, Captain Moore replied that he did not yet know. Shortly after the conversation, Gary Wegner said that he sent a written contract to Officer Stich and he did not see her employment as a problem because CJTC had accommodated other employee maternity leaves.

One law enforcement supervisor did say that not all new instructors are given the same amount of time to prepare for a course or "come up to speed," depending upon the circumstances at the time. Jim Scott agreed that Maureen Stich had been given very little time to prepare her courses or make satisfactory progress, but he was also emphatic that her pregnancy had nothing to do with the decision to her employment under the 60-day clause. One BLEA supervisory employee did express some surprise that Maureen Stich's appointment had been terminated so quickly after some complaints had been expressed to management. This employee also noted that there was a considerable difference in the amount of time Marian Honeysuckle had been given to prepare for her courses and make improvements compared to the amount of time afforded Maureen Stich.

In a different way, competency has been raised as an issue in Karen Gibson's complaint of retaliation for filing a sexual harassment complaint. She reported, and it was confirmed by others, that her supervisor had engaged in repeated "checking up" of Karen Gibson even though she had been successfully performing the job prior to the complaint. This activity, plus the tone and content of the memo previously discussed, gives the appearance of setting up performance and review standards that are situational and not based on the normal

pattern of operations. Because Karen Gibson was concerned about how her supervisor would evaluate her once she had filed the sexual harassment complaint, she asked that another administrator be present for the evaluation discussion. Gary Wegner did attend the meeting with Roger Heine and Karen Gibson where the evaluation was discussed.

Another aspect of the competency issue that concerns some women is who determines what is really important in evaluations and the actions taken as a result of those evaluations. CJTC employees who are regular state employees are evaluated according to the criteria, rules and forms set up in the Washington Personnel Resources Board rules. Instructors and contracted employee evaluation practices vary depending on the nature of the program. Even when formal evaluation procedures are used, several women commented that it didn't seem to matter if men have been deficient in aspects of their jobs or had engaged in inappropriate conduct toward other employees or recruits. They indicated that the set of standards by which employees were judged or selected for re-hire appeared to be subjective and often ignored identified issues of inappropriate behavior.

Attitudes Toward Persons of Color. Many of the same behaviors described in the treatment of women were also noted by persons of color who were interviewed. Captain Oliver Moore notes in his declaration that he did not feel supported by executive management and was not happy with the cultural and professional atmosphere at CJTC. Other current and former employees of color also noted that the environment at CJTC was not a "safe" environment. Some described situations where they were viewed suspiciously because of their color or were singled out in other ways.

Both Marian Honeysuckle and Karen Gibson felt that they were singled out not only as women, but as women of color, and that the behaviors they were subjected to would not be as likely to happen to white women. Because some of the specific incidents that may also involve alleged discrimination based on race are described in the previous section, the details will not be repeated here. Just as Maureen Stich had to deal with her concerns that the treatment she

received was based on both gender and disability, most women of color sense that they are especially vulnerable because of the double issue. Tony Lukin believes that what caused part of the concern about his alleged relationship with Marian Honeysuckle was the fact that she is a black woman.

It is also clear that some other current and former employees of color do not feel that CJTC places a high value on diversity. On the other hand, Lester Liggins, an African-American male and former employee, described his experience at CJTC as positive.

The attitudes various employees expressed about cultural diversity at CJTC reflect a microcosm of some of the larger societal views in the United States and are not easy issues to resolve through normal conflict resolution mechanisms. Some of the disparate attitudes about gender and race surfaced during the mandatory employee diversity training at CJTC. Although the opinions vary widely about the quality of the mandatory diversity training which took place during the summer, 1994, most employees would agree that it was not successful in achieving the goal of creating a more unified and tolerant workplace, even though a number of them liked the training.

Diversity Training. There are many different approaches to diversity training with different goals and outcomes as a focus, depending on the needs and desires of the organization. In fairness to the *Innovision* group who provided the training, the planned training did not mesh with the amount of time needed for the type of training they offered. In addition, the trainers were faced with the natural resistance created from a mandatory attendance requirement and the lack of a clear understanding from most employees about the content of the training or the expected outcomes. Further, some employees also felt that Jim Scott's leaving the training early for another meeting was symbolic of his attitude towards the importance of the training.

Unfortunately, the training sessions served to increase the tension and polarization around issues of race, gender and *difference* in the workplace. Many employees were clearly

not prepared to deal with the emotionally-charged issues of racism and ingrained prejudices which emerged during part of the training. As one employee stated, "It ended up being a black and white issue, not a celebration of our individual cultural heritage." Thus, the consultant concludes that the training was divisive and served to deepen the emotional chasm between the employees who felt the training was valuable and revealing of issues and problems and those employees who felt they had been set up and vilified as the "enemy."

Because of the strong feelings generated by the training, Director Scott met individually with each employee and concluded that this particular training had been divisive but that it was also an important learning experience for the future. Jim Scott also stated that he considered it very important to have a diverse staff and to find ways for the whole organization to become more sensitive to issues that can arise. Jim Scott also stated that he was sorry that he was not able to stay for the entire training session but that he had an appointment conflict which was unavoidable.

It is also clear to the consultant that there needs to be some ongoing ways to address the issues that arise in a culturally diverse workplace, not just hire more diversity. Many employees have difficulty acknowledging and understanding problems they have not personally experienced. The failure of many to acknowledge diversity issues and give them importance and value in the organization has contributed to the feelings that many employees described during this investigation.

OTHER ORGANIZATION PROBLEMS

Leadership Distance

CJTC is a small, but growing, changing organization where the hub of activity is the training center in Burien, but many employees believe that the real decisions are made in Lacey in an atmosphere untouched by the real issues, problems and services of the organization. Although the distance may be described as a geographical one, it is clear that this geographical distance has also created a psychological distance with some negative results. Regardless of whether or not employees supported or disliked what executive management was doing, the majority voiced concerns about the "distance" between employees and top management–even when they did not use the word "distance."

Typical comments were:

- there's very little trust, especially now [referring to the structure change and atmosphere generated by the complaints]
- we can't get the information or support we need
- they interfere in and micromanage the things they're interested in and ignore the ongoing operational needs
- administrators at the Center are given responsibility but no authority
- they mostly don't know what goes on so they don't pick up on problems at the point they could be more easily resolved, so the problems fester for a long time and get worse
- we seldom see them and they never attend our graduations or other training activities
- because the director's not here, he mostly gets "filtered" information and is not in a good position to assess what is really happening
- there are some real inequities between support levels and position classifications between the two sites

Although many agencies have geographical distance issues and satellite operations as part of their operating structure, CJTC has been divided in such a manner that has created some operational difficulties and many perceived inequities.

As noted before, how positively employees view Jim Scott's leadership varied markedly between those who had worked around him directly (positive) and those who seldom see him (not as positive). Gary Wegner is viewed by many as personable and good to deal with but is also viewed as someone who avoids conflict and clearly represents Mr. Scott's views on

issues. As one employee put it, "It's too bad that what most employees see are the times when it is necessary for Jim Scott to come in and bring down the hammer." Many employees hold two contradictory views about executive management: (1) they know everything that goes on and permit it to happen; and/or (2) they know little that goes on but make decisions anyway and take action based on "filtered" and incomplete information.

Jim Scott said that he, too, recognized some of the problems created by the geographical distance but cited an attorney general opinion as the reason it was necessary to have the headquarters in Olympia. He did say he thought there were some ways that the issue could be better addressed even with the need for maintenance of two separate sites. He also stated that there were many ways that it is helpful for CJTC to have a presence in Olympia.

Management and Personnel Practices

The Management Re-structure. Probably the most controversial topic among the professional and supervisory personnel at CJTC was the management restructure which occurred in the summer of 1994. The change in management structure allegedly arose from a brainstorming session at a retreat which included the regular management and professional personnel, but not the contracted staff from BLEA. The final organization plan which was presented by Jim Scott to the professional employee group in a staff meeting has been extremely controversial and many employees interviewed said they were "stunned" to see the final organizational structure that emerged.

Several employees conjectured that the change of structure, plus a statement about eliminating two HRD4 positions in a budget cut, represented a way to punish Karen Gibson and Tony Lukin. Jim Scott talked about the new organizational structure at the same meeting where he discussed the budget cut plans all state agencies were required to prepare for the Office of Financial Management. When asked what positions would be cut, if any, he stated that his recommendation would be two HRD4 positions although he hoped that no positions

would have to be cut. Since Robin Pastor had been appointed to one of the management positions designated as Washington Management Service, this made Karen Gibson the HRD4 with the least seniority. Gary Wegner stated that jumping to the conclusion that the re-structure was an opportunity to cut some positions was either a misunderstanding or a distortion of what was actually said during that meeting.

The following statements reflect the negative concerns from many of the professional staff about the change in management structure:

- The structure merged the reporting relationship for the basic corrections and law enforcement academies, making this portion of the organization very large and unwieldy.
- BLEA staff were not part of the basic retreat where the "ideal" organization was discussed and were dismayed at the result as it appears to create another level to get through and another filter for information.
- The new structure was presented as a "done deal" with no opportunity to compete for any of the new management positions.
- One of the smaller "branches" (Skills Training) created by the new structure actually contains only two people--one in Lacey and one in Burien--with the support staff in Lacey.
- The new structure removes Jim Scott even more from the management/supervisory staff by having the four new manager positions report to Gary Wegner.
- Promotions were created without any competitive process and many felt that they did not get enough information about the Washington Management Service and its relationship to the structure.
- The structure itself doesn't make sense and seems designed to "solve personnel problems" and reward some people and "punish" others.
- The timing of the change was a surprise, particularly since the previous structure had been in place for many years and most individuals didn't expect one brainstorming session to produce a major management change.
- The new structure does not adequately address or recognize the importance of administrative services such as instructional technical support, technology development, or facilities and general operations needs.

The comments made by management staff supporting the new structure included the following:

- It recognizes the need for a more interdisciplinary approach to training and resources.

- It takes into consideration what staff at the retreat said they wanted.
- It is an attempt to break down the law enforcement vs. corrections mentality.
- Some people who have worked pretty hard were appropriately rewarded.

It is reasonable to expect that any organization will have some difficulty adapting to a major change and the initial reaction is often more negative than positive, but this change seemed to catch most people by surprise--even those who had been to the retreat

Workload and Position Classification. The support staff interviewed were not as directly affected by the management re-structure and had not yet felt any changes to their work assignments, but many support staff did express concerns about how work has been assigned and how processes have been structured. A number of support employees felt that the organization had not adequately dealt with many of the administrative support processes in relation to the growth and changes in the whole organization.

Some staff also felt that their positions and classifications did not accurately reflect the level of responsibility or the increased volume of work in some instances. This concern was reflected in the equal pay complaint filed with the EEOC by Debi Brinson [Staples is the name used in the complaint.] During the course of this investigation, the EEOC made a "no cause" finding and the matter of Ms. Brinson's position is being reviewed by the Department of Personnel. Several other support employees expressed concerns about how classifications were assigned when considering new work responsibilities. In addition, several of them expressed concerns about how some of the processes are designed and felt that CJTC had failed to effectively use technology or re-organize work to accommodate the growth at the training center. Some employees also expressed concern about a lack of technology training for staff.

Jim Scott said that the new management structure was intended to address some of the issues that had been discussed for a number of years, for example, the need for a more

multi-disciplinary approach. The new structure also recognized that the way financial resources had been applied to many training programs and courses was "artificial" and CJTC needed a better structure for focusing on new development and training needs across the state. He did say that the concerns raised by the staff about the problems with the new structure were important and need to be addressed. Jim Scott also said that some staff classifications were currently being reviewed by the Department of Personnel in an attempt to address the concerns from a number of support employees.

Hiring and Promotion Practices. As has been noted before in conjunction with other issues, how employees are hired and promoted is a concern expressed by a number of employees. For most new, regular employee positions, the Department of Personnel rules are followed and candidates are taken from the appropriate register. How employees and future applicants find out whether the position is open or not seems to vary, and it is not unusual for someone at CJTC to contact individuals they know to make application. It is also a common occurrence for contracted or part-time staff to apply for permanent positions when they become available. Jim Scott is the ultimate hiring authority although most positions use an interview panel to make recommendations regarding the selection. Promotional positions (except for exempt positions) are also filled through the merit system rules and many positions are filled through a promotional eligibility list and are not opened outside. The concerns which emerged around hiring and promotion were not focused on any violation of merit system rules, but rather on the internal processes surrounding a typical hiring, such as whether or not employees knew a position was open or how the interview panel was selected.

Failure to include Karen Gibson on the interview panel for a position which would report directly to her is one of the incidents she alleges is retaliation for making the sexual harassment complaint. This was contrary to the normal practice of including supervisors on the interview team. When asked about the reason, Roger Heine said that he felt Karen Gibson had preferred a particular candidate and, further, that a number of the corrections

professional employees had "lobbied" him about the same candidate prior to the interviews. Thus, he did not feel that Karen Gibson should be part of the interview process. Other staff disagreed with that rationale and felt that Roger Heine should have let the process go on in the normal manner because the interview panel usually has at least three people, Jim Scott is the final hiring authority, and it is normal to have applicants interviewing for positions who have either worked with or are known to the staff.

A second concern about hiring/promotion practices emerged around the "promotion" of three individuals into the positions designated to Washington Management Service. Professional staff at the HRD4 level had received a memo from Jim Scott asking them if they wanted to be considered for Washington Management Service. A number of staff indicated a preference to be included in WMS. Others asked for more information. Some did not ask to be considered for WMS. The original request was not linked to the new management structure. When the new structure was unveiled, three of the positions were named to WMS. One of the employees named to a WMS position had not specifically asked to be put in that category. Other employees who asked to be in WMS were not included. Thus, the link between WMS, the employees desires, and the "elevation" of some positions became a controversial issue for many employees, including those not seeking to become part of WMS.

The main criticisms from support staff about hiring and promotional practices were not understanding how classifications were assigned and not always knowing when a promotional opportunity was available until after somebody suddenly "emerged" as having received the job.

Generally, employees were concerned about the lack of consistency and incomplete information. Thus, some employees feel they have been deliberately left out or that others have received preferential treatment.

Grievance and Investigation Issues. CJTC has a sexual harassment policy which includes a grievance procedure with a defined process for reporting and attempting to resolve complaints. The policy also includes the appropriate legal components such as a definition of

sexual harassment and identifies where an employee can take the complaint outside of the organization for redress. Although there is nothing wrong with the policy as written, some issues have arisen regarding its implementation.

CJTC is a small agency with no separate human resources office or other type of office set up to investigate civil rights and related complaints. In theory it should work for an employee to be able to take the complaint directly to his or her supervisor for resolution. In practice this sometimes does not work very well. This is especially the case if the complaint involves other employees the supervisor has no authority over or the complaint requires some specialized training to appropriately handle, such as a discrimination complaint. A number of employees believe, and the consultant concurs, that most CJTC supervisors are not trained to appropriately investigate or resolve discrimination complaints.

In instances where the supervisor *is* the problem the employee is complaining about, there may be reluctance (and sometimes outright fear) of what the reaction will be if the employee takes the complaint to another manager. This concern stems from fear about how the supervisor who has been circumvented will deal with the situation coupled with the concern that another manager will defend the supervisor against the employee. In other words, it is often difficult for an employee to find someone he or she considers to be a "neutral" party. Some of these same observations about how and to whom complaints are reported came up during some of the employee interviews at CJTC.

Implementation problems for gender discrimination complaints may emerge when the typical positions to whom complaints are reported are all filled by male administrators. Many women are not comfortable making a sexual harassment or gender discrimination complaint to members of a power structure they perceive as non-supportive. This issue was also cited by some women employees at CJTC. However, having an environment where employees fear bringing an internal complaint--so that the organization does not appear to have complaints--is not the same as having an organization where *there really are no complaints*. Therefore, it is

better for an organization to make the grievance process accessible and open so that all types of complaints, even small ones, are dealt with seriously and evenhandedly. It is frequently dangerous to assume that silence means everything is okay. As one male supervisor observed, when problems are allowed to "fester" until something "blows up," the end result is worse than not dealing well with the small complaints when they arise.

One other implementation problem arises around how the organization treats both the complainant and the accused during the process. The consultant also concluded that the "feelings" of both grievants and accused were not always appropriately dealt with at CJTC, sometimes resulting in other workplace problems. The process following the complaint also needs to be managed carefully. Individuals who had been involved in complaints indicated that they were not always notified about the status of the complaint and whether or not there were any internal findings or actions taken. Some also felt that the organization did not really support the grievance process and viewed grievants as "troublemakers." When this investigation closed, there were some complaints and issues that employees told the consultant about which have not formally surfaced because the employees were unsure about how to handle them. This information has been reported to the agency and is not within the scope of this report.

State Employee v. Agency Contract Employee a.k.a. Law Enforcement v. Corrections.

The "corrections v. law enforcement" mentality and how the individuals in each are contracted and employed was mentioned by almost everyone as a divisive part of the environment at CJTC. Some Corrections employees feel they are "second class citizens." Law enforcement employees are equally frustrated about being "made to feel guilty" because their titles, pay and benefits are based on their home agency's rules. While the employees hired under the general government civil service system decried their lesser pay and benefits, law enforcement contracted employees have also raised concerns about "how they don't count" when it comes to processes (such as the professional staff retreat) where overall management issues and

directions are discussed. Both sides view executive management as not supporting them. Thus, executive management is often depicted by corrections employees as "liking the cops better than us" and by law enforcement employees as "disliking cops and not supporting our needs." Most employees did not talk about this issue with a specific resolution in mind, but it was cited by almost everyone as a troubling part of the environment.

Communication. When employees were asked what most needed improvement in the organization, most of them used phrases or gave examples of what they considered to be "communication issues." The consultant agrees that communication breakdowns appear to be a problem in many of the incidents and complaints.

Many employees talked about the need for more information about what is going on throughout the organization. Several expressed a desire for more staff meetings where issues could be discussed and questions could be answered in a comfortable exchange of ideas. Employees also stated that there need to be better conflict resolution strategies employed that result in problem-solving in a non-blaming, less judgmental environment. Some noted that it would be nice to be in an environment where there was less tolerance of "games playing" between employees. Some also mentioned that they thought some individuals deliberately distorted information for their own purposes, but, in the absence of "good" information, people often relied on the "grapevine" version of incidents and events.

Many employees would simply like more "communication" that contains some positive reinforcement and recognizes good work and dedication. Many would like to have more opportunities to talk to the Director and the Commissioners on a more informal basis and see them at some of the training center activities.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

General Conclusions. The consultant reaches the following general conclusions as a result of the investigation of work environment issues of the Criminal Justice Training Commission:

1. Many women and employees of color perceive an environment that is frequently not comfortable for them and is sometimes outright "hostile."

2. The communication patterns and practices throughout the organization reveal the following: (a) many examples of lack of understanding by employees about the reasons for decisions; (b) poor supervisor-employee communication, particularly around performance issues; (c) frequent failure to deal with employees and issues directly and honestly; and (d) a lack of understanding or respect for the feelings and concerns of a diverse employee group.

3. The current management structure does not "make sense" to many and is perceived as creating more operating problems than serving as a needed change to managing the organization into the future.

4. Executive management is viewed as too distant and out of touch but, at the same time, too controlling and rigid in its views and approach.

5. The organization has engaged in some personnel management practices that appear inconsistent and subjective. This is particularly reflected in hiring and termination practices, grievance management, and communication between supervisors and subordinates.

Recommendations. The consultant makes the following recommendations to the commissioners regarding the conclusions to this investigation:

1. Move to resolve the pending gender, race and disability discrimination complaints so that these do not continue to be a source of workplace tension.

2. Review the organization's discrimination policies and procedures. Consider whether or not the commissioners should have a role in the internal process and/or when information about grievances should go to the commissioners.

3. Train management personnel in how to handle discrimination complaints and issues, including appropriate intervention and conflict resolution techniques. Consider alternative ways for employees to make complaints that do not always require an employee to report through the normal chain of command. Consider naming several individuals to assist with an "intervention" or informal phase of a complaint before the employee is required to file a formal complaint,

4. Either select an individual within the organization who can provide consultation and expertise in personnel matters to supervisors and managers and/or make use of outside sources to assist with investigations or follow-up. This does not have to be a paid outside person. Appropriate resources may be available within the Department of Personnel, other agency's personnel officers, the Labor and Personnel section of the Attorney General's office, etc.

5. Develop appropriate performance standards and expectations for all employees, including contracted instructional personnel, and clearly communicate those standards and expectations. In addition, develop appropriate minimum and desired qualifications for employment of instructors, either by position or course as needed.

6. Review the management structure of the organization. Consider ways to: (1) allow better access to executive management; (2) create a reasonable scope of responsibility and authority for each separate management position; and (3) evaluate the requests for more technology training and development of more technologically advanced administrative and instructional support services.