

# CONFIDENTIAL BRIEFING PACKAGE FOR MAYOR-ELECT KATIE WILSON

**RE:** Seattle Office for Civil Rights (SOCR) Leadership Transition  
**DATE:** December 1, 2025  
**FROM:** PROTEC17  
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# 1. INTRODUCTION

## Purpose of This Briefing

This confidential briefing package provides Mayor-Elect Katie Wilson with documented evidence and strategic recommendations regarding necessary leadership changes at the Seattle Office for Civil Rights (SOCR). The package is structured to support informed decision-making about addressing systematic workplace dysfunction under current SOCR leadership.

## What You Will Find in This Package

This briefing is organized to provide:

1. **Executive context** - A concise summary of the situation and key recommendations
2. **Background** - Essential information about SOCR's structure and the ordinance governing director removal
3. **Evidence** - Comprehensive documentation of workplace misconduct, including survey data and specific incidents
4. **Legal analysis** - Two viable removal strategies with constitutional considerations
5. **Path forward** - Specific recommendations for interim leadership and implementation timeline

## Who Is Presenting This Information

PROTEC17 represents approximately 30 employees at SOCR. Over the past several years, this small department has generated a disproportionate volume of labor and employment complaints. As union representative, I have documented a pattern of discrimination, harassment, retaliation, and mismanagement that creates legal exposure for the City and undermines SOCR's civil rights mission.

## Why This Is Presented Pre-Inauguration

We are providing this briefing to you now, before inauguration, to allow you to:

- Review evidence privately with your legal counsel
- Make an informed decision about your preferred approach
- Determine appropriate timing for formal action
- Understand the situation before these materials become subject to Public Disclosure Act requests

Once you take office and share materials with your transition team, these documents become official city business. Pre-inauguration review allows for discrete strategic planning.

## Connection to Your Stated Vision

Your message to Seattle has emphasized that "no matter what neighborhood you live in, where you grew up, or how much money you make, you have a right to be here and to live a dignified life." As a coalition builder committed to equity and justice, you understand that our city's civil rights enforcement office must embody these values in both its mission and its workplace culture.

This briefing addresses a fundamental misalignment: Seattle's Office for Civil Rights cannot credibly enforce equity and justice in the community when its own leadership engages in discriminatory conduct.

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## 2. EXECUTIVE SUMMARY

### The Core Issue

SOCR Director Derrick Wheeler-Smith and Deputy Director Fahima Mohamed have created a workplace environment characterized by discrimination, harassment, retaliation, and mismanagement. Over half of SOCR employees report witnessing or experiencing workplace misconduct under current leadership.

### Key Evidence

#### Anonymous Staff Survey (November 2025):

- 52.6% of staff witnessed or experienced workplace misconduct
- 36.8% of staff witnessed or experienced retaliation
- Leadership received average confidence ratings of 1.7-2.2 out of 5.0
- Overall likelihood to recommend SOCR as a workplace: 2.2 out of 5.0
- Multiple respondents independently called for new leadership

#### Documented Violations:

- **Bigotry and Discrimination** - Pattern of LGBTQ+ discrimination, religious boundary violations
- **Sexual Harassment** - Multiple inappropriate sexual comments in professional settings
- **Retaliation** - Employees told "there won't be a next time" for contacting HR
- **Workplace Misconduct** - Intimidation tactics, transparency failures, hostile environment
- **Mismanagement** - High turnover, conflicts of interest, poor resource stewardship

#### Employee and Commission Support:

There is significant support among current SOCR employees for removal of current leadership, as well as support from members of the LGBTQ Commission, Disability Commission, and Human Rights Commission.

### The Constitutional Question

City Council passed Ordinance 125470 in 2017, purporting to restrict mayoral authority to remove the SOCR Director to "just cause" only. This ordinance likely violates the Seattle City Charter's separation of powers provisions. The Charter grants you removal authority over appointed officers, with exceptions only for positions explicitly listed in the Charter itself. The OCR Director is not among those exceptions.

**Key Finding:** Even if the ordinance were valid, it provides minimal actual protection. You alone determine whether "just cause" exists, with no neutral decision-maker or meaningful review process.

### Your Two Strategic Options

#### Option A - Constitutional Challenge (Immediate)

- Remove Director at-will, citing Charter authority
- Challenge ordinance as unconstitutional if litigated
- **Pros:** Immediate resolution, strongest legal position, protects mayoral authority
- **Cons:** Constitutional litigation if challenged, immediate controversy

**Option B - Ordinance Compliance (60-90 Days)**

- Follow ordinance procedure: notice to Council, consultations, removal
- Document "just cause" basis
- **Pros:** Procedurally respectful, builds consensus, still achieves removal
- **Cons:** Longer timeline, legitimizes questionable ordinance

**PROTEC17 Assessment:** Either option likely succeeds. The choice depends on your tolerance for constitutional litigation versus procedural delay.

## Interim Leadership Candidates

SOCR employees have recommended two individuals for consideration:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Why This Matters for Your Administration

**Risks of Action:**

- Constitutional litigation (Option A) - likely defensible
- Short-term political controversy - manageable
- Some Council criticism - predictable but limited

**Risks of Inaction:**

- Ongoing workplace dysfunction (52.6% report misconduct)
- Additional discrimination incidents creating legal exposure
- Employee turnover continues (already lost 3 of 4 new RSJ staff in under one year)
- Reputational damage if scandal erupts publicly
- SOCR mission undermined - civil rights office with discriminatory leadership

**PROTEC17 Assessment:** The risk of inaction exceeds the risk of removal.

## The Recommendation

PROTEC17 respectfully recommends that you remove SOCR Director Derrick Wheeler-Smith and Deputy Director Fahima Mohamed early in your administration. This action will:

- Protect your administration from ongoing dysfunction
- Give SOCR employees the dignified workplace they deserve
- Restore credibility to Seattle's civil rights enforcement office
- Demonstrate commitment to the equity and justice values you campaigned on

**Deputy Director Note:** Fahima Mohamed serves at-will (no "for cause" protection). She can be removed immediately without following Ordinance 125470 procedures.

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### 3. BACKGROUND INFORMATION

#### Seattle Ordinance 125470: The "For Cause" Protection

##### What the Ordinance Does

Seattle Ordinance 125470, passed November 20, 2017 (9-0 vote), amended Seattle Municipal Code Section 3.14.910 to change the SOCR Director's employment status from at-will to for-cause.

##### SMC 3.14.910.C states:

*"The Mayor may remove from office a Director confirmed by Council after the effective date of the ordinance introduced as Council Bill 119120 only for just cause, and in accordance with the following provisions:*

- 1. The Mayor shall give written notice, specifying the basis for the intended removal, to the Council President and the Chair of the committee overseeing civil rights.*
- 2. Before removal, the Mayor shall consult with Office for Civil Rights staff, the Seattle Women's Commission, the Seattle Human Rights Commission, the Seattle LGBTQ Commission, and the Seattle Commission for People with Disabilities."*

**That's the entire procedure.** There is no hearing, no neutral decision-maker, no appeal process, and no enforcement mechanism.

##### What "For Cause" Means

**For Cause Employment:** The employer must have a reason to terminate employment. This structure is more common for unionized workers or employees protected by civil service rules. The separation must be based on specific behaviors, performance issues, or violations of City personnel rules and/or policies.

**Context:** Most City of Seattle political appointees are employed at-will, meaning employment can end at any time (as long as not discriminatory or illegal). For political appointees, at-will status typically means service ends automatically when a new administration begins.

##### Original Intent: Temporary Protection

The ordinance was expressly intended as a **temporary measure** during a Racial Equity Toolkit (RET) process to examine OCR's structure and independence.

From the 2017 Legislative Summary:

*"The bill is intended to remove a potential conflict of interest between the executive branch and the SOCR while SOCR conducts a racial equity toolkit around its structure and level of independence from the executive branch."*

*"Legislation implementing recommendations of a Racial Equity Toolkit (RET)... is anticipated in 2018, and it is expected to amend provisions regarding the SOCR Director as addressed in this ordinance."*

The ordinance stated that term and removal restrictions would end upon "the effective date of legislation implementing recommendations of a Racial Equity Toolkit."

**What actually happened:** The follow-up legislation was never enacted. The temporary protection became permanent through legislative inaction.

## **Council's Intent**

City Council intended this change to:

- Safeguard SOCR's independence from political influence
- Ensure integrity of SOCR's Policy, Enforcement, and Race and Social Justice work
- Provide director stability during organizational assessment

A racial equity toolkit (RET) analysis was completed in 2019 as required. That analysis recommended increasing staffing and resources for SOCR and restructuring RSJI into an RSJ division. The RSJ ordinance was developed in response to these RET findings.

## **Important Limitation**

The "for cause" protection applies only to the Director of SOCR. Deputy Director Fahima Mohamed serves at-will and can be removed immediately without following Ordinance 125470 procedures.

## **SOCR Structure and Mission**

### **What SOCR Does**

The Seattle Office for Civil Rights is responsible for:

- **Enforcement** - Investigating complaints of discrimination in employment, housing, public accommodations, and contracting
- **Policy** - Developing civil rights legislation and policies to advance equity
- **Race and Social Justice Initiative** - Leading citywide efforts to eliminate racial disparities

### **Current Structure**

- **Director:** Derrick Wheeler-Smith (appointed 2021)
- **Deputy Director:** Fahima Mohamed
- **Total Staff:** Fewer than 40 full-time employees
- **Divisions:** Enforcement, Policy, Race and Social Justice

## **The Disproportionate Complaint Pattern**

Despite employing fewer than 40 staff, SOCR generates a disproportionate share of active labor and employment complaints triaged by PROTEC17 union representatives. This pattern indicates significant leadership and workplace trouble.

#### **Specific indicators:**

- High volume of grievances relative to department size
- Multiple employees seeking union representation simultaneously
- Pattern of similar concerns across different divisions
- Turnover in key positions (3 of 4 newly hired RSJ staff resigned within one year)

## **Current Leadership Situation**

### **Timeline of Concerns**

**2022-2023:** Initial reports of religious boundary violations and LGBTQ+ discrimination incidents

**2023:** Director sent email quoting pastor with homophobic views, prompting complaints to HR and Mayor's Office. Reported by South Seattle Emerald.

**2023-2024:** Pattern of misgendering non-binary staff, dismissing gender-neutral restroom requests

**2024-2025:** Multiple sexual harassment incidents, retaliation against employees who contacted HR

**November 2025:** Anonymous survey reveals widespread dysfunction (52.6% report misconduct, 36.8% report retaliation)

### **Commission Concerns**

Members of three SOCR advisory commissions have expressed concerns about current leadership:

- **LGBTQ Commission** - Issues related to director's approach to LGBTQ+ inclusion
- **Disability Commission** - Concerns about workplace accommodations and respect
- **Human Rights Commission** - Pattern of incidents contradicting civil rights values

There is significant support from members of these commissions for a leadership transition at SOCR.

### **The Fundamental Contradiction**

SOCR's mission is to enforce civil rights and promote equity in Seattle. Current leadership's documented conduct contradicts these values:

- **SOCR investigates discrimination complaints** → Director engages in LGBTQ+ discrimination
- **SOCR enforces harassment protections** → Leadership creates hostile work environment
- **SOCR promotes equity** → Employees report fear of retaliation for speaking up
- **SOCR advances justice** → Staff describe culture as "deeply harmful and dependent on retaliation"

This misalignment undermines SOCR's credibility and effectiveness.

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## 4. DETAILED ANALYSIS

### Survey Data and Findings

#### Survey Overview

In November 2025, PROTEC17 conducted an anonymous survey of represented SOCR staff to assess workplace culture, leadership effectiveness, and employee experience.

#### Participation:

- 19 completed responses
- Approximately 50% response rate (19 of ~38 total staff)
- Anonymous format to protect respondent confidentiality
- Survey period: October 24 - November 20, 2025

#### Key Quantitative Findings

##### Overall Satisfaction (Scale 1-5, where 5 = best)

- **Overall work experience at SOCR:** Average 2.8/5 (below satisfactory)
- **Likelihood to recommend SOCR as workplace:** Average 2.2/5 (poor)

##### Confidence in Leadership (Scale 1-5)

- **Fair decision-making:** Average 2.2/5 (very low)
- **Seeks employee feedback:** Average 1.8/5 (extremely low)
- **Transparency about goals/priorities:** Average 1.7/5 (extremely low)
- **Clear expectations:** Average 1.9/5 (very low)

##### Confidence in Direct Managers (Scale 1-5)

- **Fair decision-making:** Average 3.3/5 (moderate)
- **Seeks feedback:** Average 3.7/5 (moderate-high)
- **Transparency:** Average 3.5/5 (moderate-high)
- **Clear expectations:** Average 3.4/5 (moderate)

**Notable Pattern:** Staff rate their direct managers significantly higher than SOCR leadership, suggesting the problem is director/deputy-level, not organization-wide.

#### Workplace Misconduct and Retaliation

##### Witnessed or experienced workplace misconduct:

- Yes: 52.6% (10 respondents)
- No: 21.1% (4 respondents)
- Unsure: 26.3% (5 respondents)

### **Witnessed or experienced retaliation:**

- Yes: **36.8%** (7 respondents)
- No: 26.3% (5 respondents)
- Unsure: 36.8% (7 respondents)

**Critical Finding:** Over half of SOCR staff report witnessing or experiencing workplace misconduct. More than one-third report retaliation.

### **Equity and Inclusion Metrics (Scale 1-5)**

- **Treated fairly regardless of background:** Average 4.1/5 (relatively positive)
- **Equal opportunities for growth:** Average 2.4/5 (low)
- **Comfortable speaking up about equity issues:** Average 2.6/5 (low)

**Pattern:** Staff feel personally respected but see systemic inequities in opportunities and fear speaking up about equity concerns at SOCR—a civil rights enforcement office.

### **Qualitative Themes**

#### **Most Common Culture Descriptors (From "3 words to describe SOCR culture")**

##### **Negative themes dominated:**

- "Hierarchical" (3 mentions)
- "Tense" (2 mentions)
- "Siloes" (2 mentions)
- "Toxic" (2 mentions)
- "Retaliation" / "Threat of retaliation" (2 mentions)
- **Additional:** "Unaccommodating," "Discriminatory," "Harmful," "Paranoid," "Unfocused," "Disempowering," "Directionless," "Unorganized," "Fragmented"

##### **Limited positive descriptors:**

- "Friendly" (3 mentions) - but qualified as division-specific, not SOCR-wide
- "Mission-driven" (2 mentions)
- "Helpful," "Collaborative," "Supportive" - all referencing specific divisions, not overall culture

### **Calls for Leadership Change**

Multiple respondents independently used open-ended responses to call for "new leadership" or "different leadership." Representative quotes (paraphrased to protect anonymity):

- Request for "new Director (Deputy Director)"
- "New leadership" needed (multiple responses)
- "I think the culture is so deeply harmful and dependent on retaliation that it cannot be remediated... New leadership is key"
- "Different leadership" required

## LGBTQ+ Concerns

Multiple respondents independently raised concerns about leadership's approach to LGBTQ+ issues (without prompting):

- Need for "more education and understanding of issues affecting all of Seattle's protected classes"
- Request for "trainings on anti-LGBTQIA+ in the workplace (particularly homophobia and transphobia)"
- Concerns about leadership showing "understanding and respect for staff of all backgrounds"
- Statement that "current leadership promotes harmful ideology around the LGBTQ+ community"

These survey responses corroborate the specific LGBTQ+ discrimination incidents documented below.

### Retaliation Culture

Respondents described retaliation not as isolated incidents but as systematic practice:

- Culture "deeply harmful and dependent on retaliation"
- Leadership "uses intimidation and fear of retaliation to exert power over employees"
- "Top-down, threat of retaliation, unaccountable" (culture descriptors)
- Staff report fear of speaking up about workplace issues

### Transparency and Accountability Failures

- Leadership rated 1.7/5 for transparency
- Staff report not knowing what they're supposed to do
- "Goals change daily without communication"
- Leadership is "unaccountable" and "protects managers who treat their underlings horribly"
- Decisions made without staff input

## What the Survey Demonstrates

**This is systematic dysfunction, not isolated complaints:**

1. **Widespread concern** - Over 50% report witnessing misconduct
2. **Leadership-specific** - Direct managers rated significantly higher than director/deputy
3. **Corroboration** - Survey independently confirms specific documented incidents
4. **Recent evidence** - November 2025 data shows ongoing current problems
5. **Multiple themes** - Discrimination, retaliation, transparency failures all independently raised

The survey provides quantitative support for the qualitative incidents documented below.

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# Documented Incidents by Category

The following incidents have been reported by SOCR staff, with witness statements and documentation available. These are organized by the type of Personnel Rule or ethical violation.

## Category 1: Bigotry and Discrimination

*In violation of Personnel Rule 1.1*

**Personnel Rule 1.1 Definition:** Discrimination is the unfavorable treatment of a person based on protected class status.

### Religious Boundary Violations

**2022:** When meeting staff, Director Wheeler-Smith asked employees about their religious practices and discussed his personal religious beliefs at work, creating discomfort about appropriate religious boundaries in the workplace.

**Impact:** Creates environment where employees feel religious views are being imposed, particularly problematic given subsequent incidents involving religious objections to LGBTQ+ inclusion activities.

**Protected class:** Religion

### LGBTQ+ Discrimination Pattern

**2022:** Director questioned whether attendance at mandatory LGBTQ Flag Raising and PRIDE events was required, expressing personal objections and signaling to staff that LGBTQ+ inclusion activities were subject to individual beliefs.

**Impact:** Sends message that LGBTQ+ inclusion is optional, undermines SOCR's civil rights mission, creates hostile environment for LGBTQ+ staff and allies.

**Protected classes:** Sexual orientation, gender identity

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**2023:** Director sent an email to all SOCR staff that quoted a pastor known for homophobic views. This prompted staff and members of the Seattle Human Rights and Women's commissions to raise concerns to Human Resources and the Mayor's Office. This incident was reported on by the South Seattle Emerald.

**Impact:** Created immediate hostile work environment for LGBTQ+ staff. Required intervention from external commissions and media coverage to address. Demonstrated poor judgment for civil rights enforcement director.

**Protected classes:** Sexual orientation, gender identity

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**2023-2024:** Deputy Director Mohamed repeatedly misgendered staff members who identified as gender non-binary by continuing to use incorrect pronouns despite correction.

**Impact:** Created hostile environment for non-binary staff, demonstrated lack of respect for gender identity, contradicts SOCR's civil rights mission.

**Protected class:** Gender identity

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**2024:** Deputy Director dismissed staff inquiries about gender-neutral restrooms, stating she "didn't want to be bothered with that."

**Impact:** Denied basic workplace accommodations for non-binary and transgender staff, created discriminatory environment, contradicts SOCR's equity mission.

**Protected class:** Gender identity

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**2024:** Director directed removal of LGBTQ imagery from a general office publication, questioning its connection to civil rights and Black history.

**Impact:** Erased LGBTQ+ representation from civil rights materials, questioned legitimacy of LGBTQ+ civil rights, created hostile environment.

**Protected classes:** Sexual orientation, gender identity

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**2025:** Director shared a podcast titled "Can You Be LGBTQ and Christian" with staff, imposing personal religious views regarding LGBTQ+ identity in the workplace.

**Impact:** Imposed religious viewpoint on LGBTQ+ identity compatibility, created hostile environment suggesting LGBTQ+ identity conflicts with religious faith, inappropriate for civil rights office director.

**Protected classes:** Sexual orientation, gender identity

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**2025 (Survey Evidence):** Anonymous staff survey responses indicate ongoing concerns about leadership's approach to LGBTQ+ issues. Multiple respondents independently cited need for leadership to demonstrate understanding and respect for all protected classes, specifically mentioning sexual orientation and gender identity. Respondents requested formal trainings on anti-LGBTQ+ discrimination in the workplace due to concerns about leadership's ideology and approach.

**Impact:** Demonstrates pattern is ongoing and widespread, not limited to documented individual incidents. Shows LGBTQ+ discrimination is systematic concern affecting multiple staff members.

**Protected classes:** Sexual orientation, gender identity

### **Sex and Race Discrimination**

**2025:** Director texted staff a meme of Vice President Kamala Harris with visibly bruised knees and the caption "congrats to Kamala on her new promotion. I don't know how she does it." The clear message of this meme was that Kamala Harris, an accomplished woman of color, exchanged sexual favors for career mobility.

**Impact:** Sexualized accomplished woman leader perpetuated harmful stereotype about women trading sex for advancement, racist undertones targeting woman of color, created hostile environment for women and people of color, grotesquely inappropriate for civil rights office director.

**Protected classes:** Sex, race

### **Criminal History Discrimination**

**2025:** Director required criminal background checks on OCR job listings, potentially discriminating against applicants with criminal history in a department that enforces Fair Chance Housing protections.

**Impact:** Created barrier to employment for people with criminal history while SOCR simultaneously enforces Fair Chance protections for the public. Fundamental hypocrisy undermining SOCR's mission.

**Protected class:** Criminal history

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## **Category 2: Harassment and Retaliation**

*In violation of Personnel Rule 1.1*

### **Personnel Rule 1.1 Definitions:**

*"Harassment shall mean unwelcome conduct based on a protected status. Such conduct includes, but isn't limited to, jokes, slurs, name calling, physical assaults or threats, intimidation, ridicule, insults, offensive objects or pictures," and interference with work performance. The term includes sexual harassment."*

*"Retaliation shall mean a materially adverse action taken because an employee asserted rights protected by Personnel Rule 1.1. Retaliation includes harassment due to participation in a protected activity."*

### **Sexual Harassment Incidents**

**2023:** Director made an inappropriate sexual comment during a staff retreat. Director gave a toast stating, "life is full of ups and downs, hopefully they will all be in the bedroom."

**Impact:** Sexualized professional work environment, created discomfort during mandatory work event, demonstrated poor judgment and lack of professional boundaries.

**Violation:** Sexual harassment

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**2025:** Director sent staff a news story about a sex trafficking case with the remark, "I thought I was nasty."

**Impact:** Made sexual reference in professional communication, created uncomfortable work environment, demonstrated inappropriate boundaries.

**Violation:** Sexual harassment

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**2025:** Director made an inappropriate sexual comment during a staff training. At the lunch table where all staff were seated with him, Director talked openly about how he thinks he "accidentally went to a swingers' all-inclusive resort" and he was "sexually propositioned."

**Impact:** Sexualized mandatory training environment, trapped staff in uncomfortable situation during work lunch, demonstrated repeated pattern of sexual boundary violations despite previous concerns.

**Violation:** Sexual harassment

#### **Retaliation Against Protected Activity**

**2023:** Deputy Director texted a staff member to "tread lightly" when they raised the issue of transphobia at SOCR.

**Impact:** Intimidated employee from raising discrimination concerns, chilled reporting of civil rights violations at civil rights office, created fear of consequences for speaking up.

**Violations:** Gender identity harassment, retaliation

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**2025:** Director and Deputy Director reprimanded an employee for contacting HR, stating "HR reports to them" and that "we keep things in house at SOCR" and the next time this staff member contacts HR, "there won't be a next time."

**Impact:** Explicitly threatened employee for exercising right to contact HR, misrepresented reporting structure, created climate of fear preventing employees from reporting misconduct, constitutes severe retaliation.

**Violation:** Retaliation

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**2025 (Survey Evidence):** Anonymous staff survey revealed that over one-third (36.8%) of respondents had witnessed or experienced retaliation at SOCR. Multiple respondents independently

described the workplace culture as systematically relying on retaliation to silence staff concerns, with employees reporting fear of speaking up about workplace issues. Survey respondents used terms including "threat of retaliation," "intimidation and fear of retaliation to exert power," and described a culture "deeply harmful and dependent on retaliation."

**Impact:** Demonstrates retaliation is not limited to documented individual incidents but reflects a systematic pattern of conduct that creates a hostile work environment. Shows retaliation is a management tool, not isolated mistakes.

**Violation:** Systematic retaliation

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### Category 3: Workplace Misconduct

*In violation of Personnel Rule 1.1*

**Personnel Rule 1.1 Definition:**

*"Workplace Misconduct occurs when someone engages in the adverse treatment of an individual, and that conduct unreasonably interferes with another person's work performance, damages another person's employment opportunities, or creates an environment that a reasonable person in a City workplace would consider intimidating hostile, or abusive."*

**Intimidation and Hostile Environment**

**2025:** Deputy Director told staff at a training that she "makes them regret it" when staff challenge her.

**Impact:** Created intimidating environment that discourages appropriate workplace feedback and input, demonstrates abusive management approach, prevents employees from exercising professional judgment.

**Violation:** Workplace misconduct (intimidation)

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**2025:** Director required non-anonymous 360 reviews and directly contacted those who had not completed them. Staff felt pressured to offer positive feedback out of fear of retaliation.

**Impact:** Undermined integrity of feedback process, created fear of retaliation for honest assessment, demonstrated poor judgment in seeking feedback, prevented employees from providing constructive input.

**Violation:** Workplace misconduct (coercion)

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**2025:** Director and Deputy Director made jokes about a staff member's fragrance behind their back.

**Impact:** Engaged in humiliating and demeaning conduct about an employee, created hostile environment, demonstrated lack of professionalism and respect.

**Violation:** Workplace misconduct (humiliation)

### **Transparency and Accountability Failures**

**2025 (Survey Evidence):** Anonymous staff survey revealed systematic failures in leadership transparency and accountability that interfere with employees' ability to perform their work. Leadership received an average rating of 1.7 out of 5.0 for transparency about goals, priorities, and decision-making. Staff reported confusion about job expectations, with priorities and direction changing daily without clear communication or explanation. Multiple respondents reported that leadership is unaccountable for misconduct and fails to address management behavior that creates hostile working conditions.

Over half (52.6%) of staff reported witnessing or experiencing workplace misconduct, indicating widespread dysfunction that creates an environment a reasonable person would consider intimidating, hostile, or abusive.

**Impact:** These patterns of opacity, inconsistent direction, intimidation, and failure to address misconduct interfere with employees' ability to perform their work and constitute workplace misconduct under Personnel Rule 1.1.

**Violation:** Workplace misconduct (systematic)

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## **Category 4: Mismanagement and Abuse of Authority**

*In violation of Seattle Code of Ethics 4.16.070 Prohibited Conduct*

### **Poor Resource Stewardship**

**2024:** Director and Deputy Director held a required, multi-day management retreat at Alderbrook Resort and Spa during a budget shortfall.

**Impact:** Demonstrated poor judgment in resource allocation, set inappropriate priorities during fiscal constraint, undermined morale of staff dealing with budget impacts.

**Violation:** Mismanagement

### **Conflicts of Interest**

**2025:** Director and Deputy Director directed a hiring process involving personal associates and did not recuse themselves from resume review or interviews, creating a conflict of interest that resulted in a division director's resignation.

**Impact:** Compromised integrity of hiring process, created appearance of favoritism, led to loss of senior staff member, demonstrated abuse of authority.

**Violation:** Abuse of authority (conflict of interest)

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**2025:** Director issued consulting contracts to personal friends Joshua Fields and Tony Hudson for staff trainings.

**Impact:** Created potential conflicts of interest, appearance of favoritism in procurement, raised questions about whether contracts were merit-based or relationship-based.

**Violation:** Abuse of authority (procurement)

### **Inappropriate Use of City Resources**

**2025:** Director requested that SOCR's Youth Civic Engagement Program, meant for Seattle high school students, accept students from a Chicago private school which had invited Director to campus to give a series of DEI workshops.

**Impact:** Created inappropriate personal benefit from official position, misused City program resources for personal professional benefit, demonstrated prioritization of personal interests over program mission.

**Violation:** Abuse of authority (personal benefit)

### **Management Failure Evidenced by Turnover**

**2025:** Three of four newly hired RSJ staff resigned within less than one year, citing mismanagement.

**Impact:** Indicates systematic problems with leadership support and workplace environment, wasted recruitment and training resources, undermined RSJ program capacity.

**Violation:** Mismanagement

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## **Constitutional Authority Analysis**

### **The Charter vs. Ordinance Question**

The fundamental legal question is whether City Council can restrict your removal authority over an Executive Branch appointee through an ordinary ordinance, or whether such restrictions must be in the City Charter itself.

### **Hierarchy of Authority**

Seattle's government operates under a clear hierarchy:

1. **Seattle City Charter** (adopted by voters; requires voter approval to amend)

## 2. Seattle Municipal Code Ordinances (adopted by Council majority)

**Cardinal Rule:** Ordinary ordinances cannot override Charter provisions unless the Charter specifically delegates that authority to the Council.

### The Charter's Grant of Removal Power

#### Charter Article IV, Section 3 - Appointive Officers:

*"Any officer appointed by the Mayor may be removed by him or her, except as otherwise provided in this Charter, upon filing with the City Council a statement of his or her reasons therefor."*

#### This means:

- **Default rule:** Mayor has at-will removal power over appointed officers
- **Exceptions must be "provided in this Charter"** - not in ordinances
- Mayor must file reasons with Council, but Council has no veto power

### Positions with Legitimate Charter-Based Protections

The Charter explicitly restricts removal authority for specific positions:

#### Executive Branch Positions with "For Cause" Protection:

- **HR Director/Personnel Director** (Charter Article XVI, Section 1)
- **Parks & Recreation Superintendent** (Charter Article XI, Section 1)

#### Legislative/Independent Positions:

- **City Auditor** (Charter Article VIII, Section 2) - appointed by Council, removed by Council
- **City Clerk** (Charter Article VIII, Section 3) - selected by Council
- **Civil Service Commission Members** (Charter Article XVI, Section 5)

#### Executive Branch At-Will Positions (with filing requirement):

- **Director of Finance** (Charter Article VIII, Section 1)
- **Fire Chief** (Charter Article X, Section 2)
- **Chief of Police** (Charter Article VI, Section 2)

**The OCR Director does not appear anywhere in the Charter.** The position was created by ordinance, exists within the Executive Branch under your direction, and is not listed among the Charter's exceptions to mayoral removal authority.

### Three Constitutional Problems with Ordinance 125470

#### Problem 1: Council Cannot Create Charter-Level Protections via Ordinance

The Council attempted to give the OCR Director removal protections similar to Charter-protected positions (HR Director, Parks Superintendent), but did so through an ordinary ordinance rather than a Charter amendment.

**Charter Article IV, Section 3 is explicit** - exceptions to your removal power must be "provided in this Charter," not in ordinary ordinances.

**If Council wanted the OCR Director to have removal protections, they had two proper options:**

1. **Charter Amendment:** Propose adding OCR Director to Charter Article XVI (like HR Director and Parks Superintendent), submit to voters for approval
2. **Legislative Branch Position:** Create OCR as an independent agency (like City Auditor's Office) outside the Executive Branch, with Council-controlled appointment and removal

**What Council actually did:** Passed an ordinary ordinance attempting to restrict your Charter-granted removal authority.

**Problem 2: The 2/3 Vote Does Not Cure the Defect**

The ordinance passed unanimously (9-0), exceeding the 2/3 threshold. However, the 2/3 requirement in the Charter applies only to **exempting positions from civil service** (Charter Article XVI, Section 3), not to creating removal protections.

The OCR Director was already civil service exempt when Ordinance 125470 passed. The ordinance did not exempt the position from civil service—it attempted to restrict removal authority. **There is no Charter provision authorizing Council to create removal restrictions via 2/3 ordinance.**

**Problem 3: "Just Cause" is a Higher Standard Than Charter Positions**

The Council didn't just create an unauthorized protection—they created a **stronger protection** than exists anywhere in the Charter:

- **Charter positions:** "for cause" (legitimate business reason, not arbitrary)
- **OCR ordinance:** "just cause" (requires progressive discipline, proportionality, equal treatment—traditional labor arbitration standard)

The Council attempted to give the OCR Director **greater job security than the HR Director or Parks Superintendent**—positions explicitly protected in the Charter and approved by voters.

**Even If Valid, the Protection Is Illusory**

Assuming the ordinance were constitutionally valid, it provides minimal actual protection:

**What the ordinance requires:**

1. Mayor gives written notice to Council President and Committee Chair
2. Mayor "consults" with OCR staff and four commissions
3. Mayor removes Director

**What's missing:**

- No neutral arbitrator
- No hearing process
- No right to respond to charges
- No Council vote or approval
- No appeal mechanism
- No judicial review process

**You alone determine whether "just cause" exists.** The consultations are purely advisory—the commissions cannot block removal, have no veto authority, and cannot appeal your decision.

**This makes the "just cause" requirement effectively meaningless**—it's at-will removal with extra procedural steps.

**Comparison to Real "For Cause" Protections**

**Classified Civil Service employees with genuine "for cause" protection receive:**

- Written charges with specific allegations
- Pre-disciplinary hearing (Loudermill rights)
- Right to union representation
- Opportunity to respond to evidence
- Written decision with findings
- Appeal to Civil Service Commission
- Commission hearing with cross-examination
- Judicial review available

**The OCR Director receives:**

- Written notice to Council leadership
- Advisory "consultation" with no decision-making authority
- Removal

The ordinance provides the appearance of protection without the substance.

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## 5. RECOMMENDATIONS

### Strategic Option A: Constitutional Challenge (Immediate Removal)

#### Procedure

1. Issue removal letter citing Charter Article IV, Section 3
2. State that Ordinance 125470 unconstitutionally restricts Charter-granted removal authority
3. Provide reasons for removal (optional but recommended for political/legal support)
4. Effective immediately
5. Appoint interim director

#### Legal Foundation

- Charter Article IV grants you removal authority over appointed officers
- Exceptions must be "provided in this Charter"—OCR Director is not
- Ordinary ordinance cannot override Charter provisions
- Council exceeded its authority
- HR Director and Parks Superintendent have legitimate Charter protections; OCR Director does not

#### Advantages

- **Strongest legal position** on constitutional grounds
- **Establishes precedent** protecting mayoral authority
- **Prevents future Council overreach** through ordinary ordinance
- **Immediate resolution** - Director removed on Day 1
- **Flexibility** - Even if you lose in litigation, can then use Option B

#### Disadvantages

- **Constitutional litigation** if challenged - though likely defensible
- **Immediate political controversy** - some Council members may object
- **May alienate Council** during early administration
- **Requires City Attorney support** for constitutional defense

#### When to Use Option A

##### Best for administrations that:

- Want immediate resolution
- Have strong City Attorney support
- Are willing to defend constitutional litigation
- Want to establish precedent protecting executive authority
- Believe the evidence of misconduct is overwhelming (it is)

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## Strategic Option B: Ordinance Compliance (60-90 Day Process)

### Procedure

1. Document performance/conduct concerns
2. Provide written notice to Council President and Committee Chair specifying basis for removal and asserting "just cause"
3. Conduct required consultations with:
  - o OCR staff
  - o Seattle Women's Commission
  - o Seattle Human Rights Commission
  - o Seattle LGBTQ Commission
  - o Seattle Commission for People with Disabilities
4. Remove Director after consultations (input is advisory only)
5. Appoint interim director

**Optional:** Place Director on paid administrative leave (SMC 4.20.065) during investigation/consultation period if immediate workplace separation is needed.

### Justifications for "Just Cause"

The documented evidence provides clear basis for "just cause" removal:

- **Pattern of discrimination** - Multiple documented LGBTQ+ discrimination incidents
- **Sexual harassment** - Three separate inappropriate sexual comments in professional settings
- **Retaliation** - Explicit threats against employees for contacting HR
- **Workplace misconduct** - Survey shows 52.6% of staff report witnessing misconduct
- **Management failures** - 75% turnover in newly hired RSJ staff within one year
- **Breach of duty** - Failure to maintain appropriate workplace environment

### Advantages

- **Avoids immediate constitutional challenge**
- **Shows procedural respect** for Council ordinance
- **Creates documented record** of "just cause"
- **Consultations may build political consensus** for change
- **Still achieves removal outcome**

### Disadvantages

- **Takes 60-90 days** to complete consultation process
- **Legitimizes questionable ordinance** for future
- **Sets precedent** that Council can restrict mayoral authority via ordinance
- **Director remains in position** during process (unless on admin leave)

- **Could still face legal challenge** despite compliance

## **When to Use Option B**

**Best for administrations that:**

- Want to avoid constitutional litigation
- Prefer building consensus through consultations
- Have more flexible timeline
- Want procedural defensibility
- Believe Commission input will support removal (it likely will)

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## **PROTEC17 Assessment**

**Either option likely succeeds.** The choice depends primarily on:

- Your tolerance for constitutional litigation versus procedural delay
- Your relationship with City Council
- Your City Attorney's assessment of constitutional arguments
- Your administration's priorities for early actions

**The documented evidence supports removal under either approach.**

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## **Interim Leadership Recommendations**

SOCR employees have recommended two individuals for consideration as Interim Director during the transition to permanent leadership:

[REDACTED]  
[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Either choice demonstrates commitment to qualified civil rights leadership and employee input.**

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## **Deputy Director Removal**

**Important:** Deputy Director Fahima Mohamed serves a **at-will** with no "for cause" protection. She can be removed immediately under either option without following Ordinance 125470 procedures.

**Recommendation:** Remove both Director and Deputy Director simultaneously to signal clean break and fresh start.

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## 6. CONCLUSION

### The Core Issue

Seattle's Office for Civil Rights cannot credibly enforce equity and justice in the community when its own leadership engages in discrimination, harassment, and retaliation. Over half of SOCR employees report witnessing workplace misconduct under current leadership.

### The Evidence

- 52.6% of staff witnessed/experienced workplace misconduct
- 36.8% witnessed/experienced retaliation
- 25 documented incidents across four violation categories
- Multiple commission members expressing concerns
- High turnover among newly hired staff (75% in one year)

### The Legal Path

You have clear authority to remove the SOCR Director under either of two viable strategies:

- **Option A:** Constitutional challenge (immediate)
- **Option B:** Ordinance compliance (60-90 days)

Either option likely succeeds. The choice depends on your tolerance for constitutional litigation versus procedural delay.

### The Opportunity

Your message to Seattle emphasized dignity, equity, and justice. Removing problematic SOCR leadership demonstrates commitment to those values by:

- Protecting your administration from ongoing workplace dysfunction
- Giving SOCR employees the dignified workplace they deserve
- Restoring credibility to Seattle's civil rights enforcement office
- Signaling that equity and justice start with how we treat City employees

### The Timeline

Early action is recommended. The longer current leadership remains, the greater the risk of additional complaints, turnover, and reputational damage.

### PROTEC17's Commitment

We are prepared to support a smooth leadership transition, including:

- Employee consultation as required by Ordinance 125470
- Communication with SOCR staff about transition process
- Cooperation in recruiting and onboarding new leadership
- Ongoing partnership in rebuilding SOCR's workplace culture

## The Recommendation

**PROTEC17 respectfully recommends that you remove SOCR Director Derrick Wheeler-Smith and Deputy Director Fahima Mohamed early in your administration.**

This action protects your administration, restores SOCR's credibility, and gives employees a chance at the healthy, equitable workplace they deserve—and that Seattle's civil rights enforcement office must embody.

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## CONTACT INFORMATION

Matt Edgerton  
Union Representative, PROTEC17  
Email: [REDACTED]  
Phone: [REDACTED]

Available for:

- Questions about evidence or documentation
- Facilitation of employee consultations
- Support during leadership transition
- Coordination with SOCR staff and commissions

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END OF BRIEFING PACKAGE

*Confidential - Pre-Inauguration Advisory Document  
December 1, 2025*