

Buehler



Trapani LLP

WORKPLACE AND CAMPUS INVESTIGATIONS

FINAL INVESTIGATION REPORT

Confidential

Prepared for: Seattle Human Resources Investigation Unit

Subject: Seattle Office for Civil Rights

Prepared by: Lisa Buehler

Date: June 3, 2026

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I. INTRODUCTION

The City of Seattle, through the Seattle Human Resources Investigation Unit (HRIU), retained Buehler Trapani LLP (BTLLP) to conduct a neutral, fair, and impartial investigation into allegations of misconduct in the Seattle Office for Civil Rights (OCR).

The HRIU implemented a Director Initiated Investigation and designated BTLLP to conduct the investigation under HRIU's authority to investigate violations of Seattle Personnel Rule 1.1 (Rule 1.1) and provided administrative support to BTLLP during the investigation. The investigation began on February 27, 2026.

II. FACTUAL BACKGROUND

Seattle's Office for Civil Rights coordinates the City's Race and Social Justice Initiative (RSJI), a citywide effort to end institutional racism in city government. OCR advances race and social justice through its policy work with elected officials and supports four commissions: Seattle Human Rights Commission, Seattle Women's Commission, Seattle Disability Commission, and Seattle LGBTQ Commission. OCR also enforces Title 14 of the Seattle Municipal Code, the Human Rights ordinance, which prohibits discrimination, harassment, and retaliation in employment, housing, and public accommodations settings throughout Seattle.

OCR has approximately 40 employees in four divisions: Civil Rights Enforcement (Enforcement), Race & Social Justice (RSJ), Policy, and Commissions. Subject Derrick Wheeler-Smith was appointed as Director of OCR by Mayor Bruce Harrell in June 2023. Subject Fahima Mohamed was hired as Deputy Director of OCR in April 2022.

Wheeler-Smith and Mohamed oversee the leadership team comprised of Ex. 06D Ex. 06D Ex. 06D Employment Ex. Ex. Ex. 06D Ex. Ex. Ex. 06D Employment Ex. 06D Ex. Ex. 06D Employment Related Ex. Ex. 06D Employment Related and Ex. 06D Ex. Ex. Ex. 06D Ex. Ex. 06D Ex. 06D Employment participated in leadership team meetings to take notes.

On December 1, 2025, PROTEC17 (the Union), prepared a memo that contained anonymous allegations by OCR employees against Wheeler-Smith and Mohamed (the Union Memo)(Attachment 1). Karen Estevenin, Executive Director of the Union, and Co-Chair of Mayor Katie Wilson's Transition Committee, sent the memo to Alex Gallo-Brown, the Mayor's Director of Community Relations, on January 21, 2026. The Mayor's office sent the memo to Jen Chan, the Mayor's Director of City Operations, on February 2, 2026. The same day, Chan sent the Union Memo to HRIU for assessment and follow-up (Attachment 2). On February 9, 2026, Ray Sugarman, HRIU Director of Learning and Accountability, notified Chan that HRIU was proceeding with a Director-Initiated Investigation.

HRIU contacted the Union on February 12, 2026, and asked for the names of employees who made the allegations to initiate the investigation (Attachment 3).¹ On the same day, HRIU sent Wheeler-Smith a Notice of Investigation letter informing him that he was the subject of an investigation into allegations of sexual harassment in violation of Rule 1.1 (Attachment 4).

On February 23, 2026, PubliCola published an online article entitled, *Staff Call for Removal of Civil Rights Office Director, Citing "Discrimination, Harassment, Retaliation, and Mismanagement"* and linked to a copy of the Union Memo.

On February 25, 2026, HRIU sent a Notice of Investigation letter to Mohamed and, on February 27, sent a revised Notice of Investigation letter to Wheeler-Smith informing them that they were the subject of an investigation into allegations of harassment and retaliation in violation of Rule 1.1 (Attachment 4). Also on February 27, HRIU sent Notice of Investigation letters to all OCR employees, notifying them of the investigation (Attachment 5).

III. ISSUES FOR INVESTIGATION²

The employees' allegations, set forth in the Union Memo, and made during this investigation, raised the following issues under Rule 1.1, the policy under HRIU's purview:

- Issue 1: Did Derrick Wheeler-Smith violate Rule 1.1, sexual harassment, by making comments of a sexual nature to employees?
- Issue 2: Did Derrick Wheeler-Smith violate Rule 1.1, sexual harassment, by engaging in conduct toward **Ex. [REDACTED]** **Ex. [REDACTED]**, or subjecting him to conduct, that was sexual in nature?
- Issue 3: Did Derrick Wheeler-Smith and/or Fahima Mohamed violate Rule 1.1, retaliation, by threatening Roderick Morrison with reprisal for speaking to the Seattle Department of Human Resources (SDHR)?
- Issue 4: Did Derrick Wheeler-Smith and/or Fahima Mohamed violate Rule 1.1, retaliation, by taking adverse action against employees who asserted rights under Rule 1.1?
- Issue 5: Did Fahima Mohamed violate Rule 1.1, retaliation, by threatening **Ex. [REDACTED]** **Ex. [REDACTED]** with reprisal when he spoke about transgender rights at a training?

The investigation included a review of OCR employees' allegations that Wheeler-Smith and/or Mohamed engaged in unwelcome conduct or comments based on religion, sexual orientation, and gender identity. However, even assuming all the information provided during the

¹ The Union declined to provide the names of OCR employees who made allegations against the Subjects at the start of the investigation. BTLLP interviewed all current, regular, employees of OCR. Through that process, the Union confirmed the identities of employees that raised the allegations cited in the Union Memo.

² These issues were broadly identified in the Notice of Investigation letters that HRIU sent to Mohamed and Wheeler-Smith (Attachment 4).

investigation was true, those allegations did not rise to the level of conduct protected by Rule 1.1. Those issues are not, therefore, included in this report.

For the same reasons, the investigation did not include findings on allegations that Wheeler-Smith and/or Mohamed engaged in "Workplace Misconduct" as defined by Rule 1.1. Even assuming the allegations were true, they did not meet the definition of, or rise to the level of "Workplace Misconduct" under Rule 1.1.

IV. INVESTIGATION BACKGROUND

A. Independence

We had full discretion to conduct the investigation as determined to be necessary without influence from OCR or HRIU in the outcome of the investigation.

B. Investigative Standard

The conclusions in this report are not legal determinations, but factual findings regarding the complaints. We reviewed, compared, and analyzed the evidence to determine whether the allegations are with or without merit under a preponderance of the evidence standard. For the purposes of this report, preponderance of the evidence is defined as the evidence on one side outweighs the evidence on the other side. This means that the totality of the evidence must demonstrate that it is more likely than not that the alleged conduct occurred. We based our conclusions on the totality of the evidence and a thorough analysis of all the facts.

C. Credibility/Reliability Determinations

We considered several factors to assess the credibility or reliability of witnesses when necessary to resolve material factual disputes: (1) corroboration with other evidence, or lack thereof; (2) inherent plausibility; (3) past record of similar conduct; (4) motive to lie or fabricate; (5) opportunity and capacity to observe conduct; (6) reputation for honesty or deceit; (7) evidence of bias; (8) consistent or inconsistent statements; (9) admission of untruthfulness; and (10) manner of responding to questions.

Not every factual dispute required a credibility assessment. We assessed credibility when a material issue was in dispute and where there was no evidence to corroborate or refute a factual dispute.

D. Witnesses

We interviewed 37 current and former OCR employees, including the Subjects, and Ex. 06D Ex. 06D Ex. 06D Employment Related Investigation³ A detailed table of the list of interviews, titles, and dates of interviews is attached to the end of the report (Table 1).

We conducted the interviews via videoconference. We did not record or digitally transcribe the interviews and did not consent to others recording or digitally transcribing the interviews. We asked to speak to former RSJ Director Roderick Morrison and former Strategic Advisor Reed Steberger but they declined to participate in the investigation.

The summaries of interviews contained in this report include a summary of material and relevant information provided by the parties and witnesses from their perspectives. They are not meant to convey any determination as to the truth of their statements. The summaries are not a verbatim transcript of the interviews.

E. Documents

A table of documents that we reviewed and relied on is included at the end of the report (Table 2). The documents are included as attachments.

V. SUMMARY OF FINDINGS

The following is a brief summary of findings for the convenience of the reader:

Issue 1: The preponderance of the evidence does not support a finding that Wheeler-Smith violated Rule 1.1, sexual harassment, by making two comments of a sexual nature to employees.

Issue 2: The preponderance of the evidence supports a finding that Wheeler-Smith violated Rule 1.1, sexual harassment, by taking Ex. 06D Ex. 06D to a strip club on a work-related trip. The preponderance of the evidence does not support a finding that Wheeler-Smith violated Rule 1.1, sexual harassment, by exchanging messages of a sexual nature with Ex. 06D.

Issue 3: The preponderance of the evidence does not support that Wheeler-Smith and Mohamed violated Rule 1.1, retaliation, by threatening Roderick Morrison with reprisal because he spoke to SDHR about one of his employees.

Issue 4: The preponderance of the evidence does not support that Mohamed and Wheeler-Smith violated Rule 1.1, retaliation, by taking adverse action against any employees who asserted rights under Rule 1.1.

³ Ex. 06D works for Ex. 06D Employment Related Investigation, which provides general HR support to the City's departments, including OCR, that do not have their own designated HR divisions.

Issue 5: The preponderance of the evidence does not support that Mohamed violated Rule 1.1, retaliation, by threatening Ex. [REDACTED] with reprisal for speaking about transgender rights at a training.

VI. Relevant Policy: Personnel Rule 1.1 – Discrimination, and Harassment, Workplace Misconduct and Retaliation

The HRIU is authorized only to make findings regarding whether alleged conduct violated the City's Personnel Rule 1.1.

BTLLP considered the following relevant policy language:

Preamble – Definitions and Applications of Personnel Rules

Preamble 2 – Definitions

...

66. "Retaliation" shall mean a materially adverse action taken because an employee asserted rights protected by Personnel Rule 1.1.

...

73. "Sexual harassment" prohibited by City policy is unwelcome verbal or physical conduct of a sexual nature. Examples include unwelcome sexual flirtations or propositions, verbal abuse of a sexual nature, pressure or abuse of a sexual nature, pressure or unwelcome requests for sexual activities, unnecessary touching, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display of sexually suggestive objects or pictures in the workplace, sexually explicit or offensive jokes, or physical assault.

87. "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.

Examples of Workplace Misconduct can include, but are not limited to, intimidating or hostile acts or other behavior that a reasonable person would find offensive, such as derogatory name-calling, taunting, shouting or swearing at someone, and other types of verbal abuse (e.g., "idiot"); written or graphic materials that humiliate a City employee, or show aggression or hatred, via electronic or physical bulletin boards, cyberbullying, email, or otherwise; . . . spreading malicious rumors about another; making or circulating a joke or jokes that are humiliating, demeaning, or belittling to another City employee; . . . or a pattern of that harms a person or group of people and is not a reasonable action taken by a person or management representative relating to the business needs of the workplace. . .

1.1.1 Application of this Rule

This Rule shall apply to all city employees, including regularly appointed employees and temporary workers.

...

This policy applies to any employee's behavior in connection to City employment.

VII. FINDINGS

A. Issue 1: Did Derrick Wheeler-Smith Violate Rule 1.1, Sexual Harassment, by Making Comments of a Sexual Nature to Employees?

1. Summary of Relevant Interviews⁴

a. Witnesses Who Alleged Wheeler-Smith Made Sexual Comments

The following witnesses reported hearing Wheeler-Smith make comments of a sexual nature at work or work-related events.

i. Ex. [REDACTED] Ex. [REDACTED]

Ex. [REDACTED] is Ex. 06D Employment [REDACTED] and has worked at OCR since 2024. She reported to Mohamed until January 2026, when she started to report to Wheeler-Smith.

In 2025, the leadership team attended several all-day training programs led by Joshua Fields.⁵ One day, someone on the leadership team asked Wheeler-Smith about his vacation and Wheeler-Smith told an offensive story. He said he and his wife were sexually propositioned at the resort where they stayed. Wheeler-Smith sounded like he was bragging. Ex. [REDACTED] was offended and felt deeply unsafe. Other members of the leadership team looked shocked.

Ex. [REDACTED] did not report the comment to SDHR because she was still on probation and was scared of retaliation. Roderick Morrison had previously told Ex. [REDACTED] that Wheeler-Smith and Mohamed told him that HR reported to them, said that he should keep his concerns "in house" and threatened him that there would be "no next time" if he spoke to SDHR again.

ii. Ex. [REDACTED] Ex. 06D [REDACTED]

Ex. 06D [REDACTED] has been Ex. 06D Employment Related [REDACTED] since December 2020. She reports to Ex. 06D [REDACTED] Ex. [REDACTED] Ex. [REDACTED].

⁴ The following interview summaries, and all summaries included in this Report, are only those that include information relevant to the issue in which they appear. The summaries are written from the witnesses' perspectives and should not be construed as factual findings.

⁵ Fields conducted training for the leadership team on April 3, June 25, and September 4, 2025 (Attachment 6).

Ex. 06D [redacted] attended an all-staff retreat at Lincoln Park.⁶ At the retreat, Wheeler-Smith told the story of how he and his wife accidentally ended up at a swingers' resort where they were propositioned.

Ex. 06D [redacted] also attended an all-staff retreat at the Wing Luke Museum.⁷ Wheeler-Smith made some introductory remarks at the retreat and said, "We have ups and downs in marriage, hopefully they are all in the bedroom" or something similar. Ex. 06D [redacted] had no other information about Wheeler-Smith making sexual comments.

iii. Ex. [redacted] Ex. [redacted]

Ex. [redacted] is Ex. 06D Employment Related Investigation [redacted] He has worked at OCR since 2009 and reported to Wheeler-Smith.

Ex. [redacted] had a vague recollection of hearing Wheeler-Smith say something similar to, "Life is full of ups and downs, hopefully they will all be in the bedroom," but could not remember the specifics. Ex. [redacted] did not remember ever hearing Wheeler-Smith give a toast at any time.

Ex. [redacted] attended a leadership team meeting where Wheeler-Smith told a story about a trip he and his wife took. Wheeler-Smith said that he and his wife went on vacation and were surprised to learn that the resort was for swingers. Wheeler-Smith did not brag about it but said another couple seemed to want some engagement with Wheeler-Smith and his wife and said the other couple, "Kept eyeing them." Ex. [redacted] thought it was a funny story and did not think it was sexual. Ex. [redacted] did not notice that anyone at the meeting was uncomfortable.

No one at OCR told Ex. [redacted] that Wheeler-Smith made sexual comments.

iv. Ex. [redacted] Ex. 06D [redacted] Employment [redacted]

Ex. 06D [redacted] has been Ex. 06D Employment Related [redacted] since December 2023 and reported to Wheeler-Smith until early 2026. She currently reports to Mohamed.

Ex. 06D [redacted] did not hear Wheeler-Smith or Mohamed make unwelcome sexual comments at work.

The only comment Ex. 06D [redacted] heard Wheeler-Smith make that had a sexual connotation was at a leadership team meeting. Ex. 06D [redacted] did not remember the context of the comment. Wheeler-Smith told the team that he and his wife unknowingly went to a swingers' resort and were propositioned there. Wheeler-Smith did not use sexual language to describe the incident, and the story was not inappropriate and did not offend Ex. 06D [redacted]

⁶ There was a quarterly all staff meeting at Lincoln Park on August 28, 2024 (Attachment 7).

⁷ The retreat took place on August 27, 2025 (Attachment 8).

v. Fahima Mohamed

Mohamed attended a leadership team training and, during a break, someone asked Wheeler-Smith about his vacation. Wheeler-Smith said he and his wife had to cut it short because they did not realize what was going on at the resort where they stayed. Mohamed did not hear Wheeler-Smith saying anything else about his trip. She did not hear Wheeler-Smith make sexual comments or jokes at work. No employees told her that Wheeler-Smith made sexual comments to them.

vi. Ex. 06D Ex.

Ex. is Ex. 06D Employment Related and reported to Mohamed. Ex. stated that she attended a leadership team retreat in summer or fall 2022. At the end of one day, Ex. joined other employees at the bar. Ex., former RSJ Director Davita Ingrahm, Mohamed, Ex., former Ex. 06D Employment Related Ex., Ex. 06D, and Wheeler-Smith were also present. There, Wheeler-Smith made a toast, and said something to the effect of, "Life may have ups and downs, my wish is that they are all in the bedroom." The comment offended Ex. because it was sexual in nature. Later, Ex. spoke with Ex. 06D about Wheeler-Smith's comment and Ex. 06D said she was also shocked by the sexual nature of the toast.

Ex. attended a leadership team meeting where Wheeler-Smith told the team that he went on vacation with his wife. He said that one evening at dinner, another couple propositioned him and his wife, which made them realize that they were at a swingers' resort. Wheeler-Smith did not use sexual language and some people at the meeting laughed when he told the story. Several months later, Ex. spoke with Ex. Ex., who agreed the swingers story was inappropriate. Ex. and Wheeler-Smith were not friends and she did not want to know about his personal life.

vii. Ex. Ex.

Ex. is Ex. 06D Employment. She reported to Wheeler-Smith. Ex. denied hearing Wheeler-Smith make any sexual comments. She said no OCR employees told her they heard Wheeler-Smith made sexual comments. Ex. had a vague recollection of Wheeler-Smith mentioning that he and his wife accidentally went to a swingers' resort where another couple propositioned them. Wheeler-Smith made the comment "in the context of something," but it was not an offensive statement.

b. Subject Derrick Wheeler-Smith's Response

Wheeler-Smith denied making a toast to OCR employees at any time. Wheeler-Smith often made a statement at personal events such as birthday parties, "If you bet, bet black; if you steal, steal a heart; if you cheat, cheat death; and may all your ups and downs be in bed." He used the phrase outside of work when Ex. was present. Wheeler-Smith did not make the statement at work and knew of no situation at work where the statement would apply. Wheeler-Smith first heard the statement from an elder member of his community. The

reference to “bed” was about the simple rhythm of daily living—rising from bed in the morning and lying down at night. It was not meant to be sexual.

Prior to the start of a leadership team meeting, Ex. asked Wheeler-Smith about his recent vacation. Wheeler-Smith told Ex. that he and his wife were shocked to realize that their hotel was a swingers’ resort. Wheeler-Smith did not use the word “propositioned.” He told Ex. that he and his wife did not understand their interactions with others at the resort until their Uber driver told them the resort was for swingers. The point of the story was to explain how rattled he and his wife were by the experience

Wheeler-Smith did not know who else heard him tell the story to Ex. The room was loud as members of the leadership team walked into the room, talked to each other, and set up their laptops.

c. Other Witness Accounts About Sexual Comments

No other interviewed witnesses reported hearing Wheeler-Smith make comments of a sexual nature, sexual innuendo, or sexual connotation. The following witnesses did not hear Wheeler-Smith make sexual comments, but reported hearing from other employees that Wheeler-Smith made such comments.

i. Ex. Ex.

Ex. is Ex. 06D Employment and reported to Ex. Ex. Ex. did not hear Wheeler-Smith make sexual comments, but heard rumors that Wheeler-Smith made a comment about being propositioned at a resort.

ii. Ex. Ex.

Ex. is Ex. 06D Employment Related and a union steward. He reported to Ex. Ex. did not hear Wheeler-Smith make sexual comments but another union steward told Ex. that Wheeler-Smith said he accidentally went to a swingers’ resort where he was propositioned.

iii. Ex. Ex. 06D

Ex. 06D is Ex. 06D Employment Related and reported to Ex. Ex. 06D did not hear Wheeler-Smith make sexual comments. Ex. 06D heard other employees say that Wheeler-Smith made a comment about life’s ups and downs and the bedroom.⁸

⁸ Ex. said that she heard other allegations about Wheeler-Smith from former employees. Those allegations fall outside the scope of this investigation.

iv. Ex. 06D Ex. 06D

Ex. 06D is Ex. 06D Employment Related and reported to Ex. 06D Ex. 06D Ex. 06D. She denied hearing Wheeler-Smith make sexual comments. Another employee told her that Wheeler-Smith made a comment about being solicited for sexual services. Ex. 06D was offended when she heard about the comment.

2. Findings

The preponderance of the evidence does not support a finding that Wheeler-Smith violated Rule 1.1, sexual harassment, by making two statements of a sexual nature, at least once each, at work.

“Ups and Downs in the Bedroom.” Although the dates are in dispute, the evidence shows that Wheeler-Smith made a statement to employees to the effect of, “Life is full of ups and downs. I hope they are all in the bedroom.” Wheeler-Smith denied making the statement at work but stated it was similar to part of a quote he liked to recite in his personal life: “If you bet, bet black; if you steal, steal a heart; if you cheat, cheat death; and may all your ups and downs be in bed.”

Ex. 06D and Ex. 06D said they heard Wheeler-Smith make the abbreviated statement about ups and downs in the bedroom, or words to that effect, although they did not agree on when or where he made it. Ex. 06D stated that she heard Wheeler-Smith make the statement at a leadership team retreat in 2022; Ex. 06D had only a vague recollection of hearing it and did not remember the details. No other witnesses reported hearing Wheeler-Smith make the abbreviated statement, although Ex. 06D heard rumors that Wheeler-Smith made the statement.

Because the alleged statement is substantially similar to part of a quote Wheeler-Smith admitted he quoted at events in his personal life, and because Ex. 06D and Ex. 06D said they heard Wheeler-Smith make the alleged statement, it is more likely than not that Wheeler-Smith made the statement to the effect of “ups and downs in the bedroom.” It is also more likely than not that he made the statement in front of his leadership team, as only Ex. 06D and Ex. 06D, both members of leadership team reported hearing the statement.⁹

Wheeler-Smith denied that the full quote carried a sexual meaning and said that the reference to “ups and downs in bed” was a description of the daily rhythm of waking up in the morning and going to bed at night. Ex. 06D, however, inferred that “ups and downs in the bedroom” was an innuendo about sex, a plausible interpretation. Wheeler-Smith did not use any sexually explicit language when he made the statement. Based on Ex. 06D’s plausible interpretation,

⁹ Although Ex. 06D said she heard Wheeler-Smith make the statement at a 2025 all-staff retreat at a museum, none of the other approximately 30 current and former employees interviewed heard Wheeler-Smith make the statement. It is more likely than not that Ex. 06D heard about Wheeler-Smith’s comment from someone who heard it at the leadership team meeting.

Wheeler-Smith's statement about "ups and down in bed," is more likely than not a sexual innuendo.

"Swingers' Resort." In 2024 or 2025, Wheeler-Smith told Ex. [REDACTED] at the start of a leadership team meeting that he and his wife accidentally stayed at a swingers' resort, where they were propositioned by another couple. Ex. [REDACTED], Ex. [REDACTED], Ex. 06D [REDACTED] Mohamed, Ex. [REDACTED], and Ex. [REDACTED] heard Wheeler-Smith make the statement.¹⁰

Wheeler-Smith admitted telling Ex. [REDACTED] about how he and his wife ended up at a swingers' resort just before a leadership team meeting but denied telling Ex. [REDACTED] that they were sexually propositioned. Although Wheeler-Smith did not know if others heard him talk to Ex. [REDACTED], six members of the leadership team reported that they heard at least part of what Wheeler-Smith told Ex. [REDACTED] (Ex. [REDACTED], Ex. [REDACTED], Ex. 06D [REDACTED] Mohamed, Ex. [REDACTED], and Ex. [REDACTED]). All but Mohamed heard or inferred from Wheeler-Smith's statements that he was "propositioned" on his vacation. Twenty-one employees said they never heard Wheeler-Smith make comments of a sexual nature, including the two comments described above, evidence that Wheeler-Smith did not repeat these comments.

Rule 1.1 defines "sexual harassment" as unwelcome verbal or physical conduct of a sexual nature. "Examples include unwelcome sexual flirtations or propositions, verbal abuse of a sexual nature, pressure or abuse of a sexual nature, pressure or unwelcome requests for sexual activities, unnecessary touching, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display of sexually suggestive objects or pictures in the workplace, sexually explicit or offensive jokes, or physical assault." To constitute sexual harassment under Rule 1.1, conduct must be offensive to a reasonable person or it must create an environment that a reasonable person in a City workplace would consider intimidating, hostile, or abusive.

As described above, although the investigation substantiated that Wheeler-Smith made two comments at work that contained sexual innuendo or sexual connotation, the comments did not meet the definition of sexual harassment under Rule 1.1. Wheeler-Smith's comments were not sexually explicit, sexually degrading, graphic commentary about sex, or sexually suggestive. He did not make the statements in a flirtatious manner or to proposition anyone; they were not verbally abusive; and he did not make them to exert sexual pressure or sexual activities.

For the same reasons, the comments were not objectively offensive, as Ex. [REDACTED] and Ex. 06D [REDACTED] were not offended by the comments. Moreover, although Ex. [REDACTED], Ex. 06D [REDACTED], and Ex. [REDACTED] said they were offended by the comments, Wheeler-Smith made only two comments over a several-year period. His comments did not reasonably create an intimidating, hostile, or abusive

¹⁰ Although Ex. 06D [REDACTED] said she heard Wheeler-Smith tell the story at a 2024 all-staff retreat in Lincoln Park, none of the other approximately 30 employees interviewed heard Wheeler-Smith's story. It is more likely than not that Ex. 06D [REDACTED] heard about the story from someone on leadership team.

work environment. Accordingly, Wheeler-Smith did not violate Rule 1.1 by making the two comments.

B. Issue 2: Did Derrick Wheeler-Smith Violate Rule 1.1, Sexual Harassment, by Engaging in Conduct toward Ex. [REDACTED] Ex. [REDACTED], or Subjecting Him to Conduct, That was Sexual in Nature?

1. Summary of Relevant Interviews

a. Ex. [REDACTED] Ex. [REDACTED]'s Account

Ex. [REDACTED] was first hired at OCR in 2018 as Ex. 06D Employment Related Investigation. He reported to former Ex. 06D [REDACTED] Ex. 06D [REDACTED] Ex. [REDACTED]. In 2021, he moved into Ex. 06D Employment Related [REDACTED] Ex. 06D Employment Related Investigation. In that role, he was a member of the leadership team. He reported first to Mohamed and then to Wheeler-Smith. His OOC position ended December 31, 2024, but he remained on the leadership team until the end of 2025.

Ex. [REDACTED] provided in this investigation 22 messages that Wheeler-Smith sent him between approximately 2024 and 2025, when Ex. [REDACTED] worked for OCR and reported to Wheeler-Smith (Attachment 9). Wheeler-Smith sent the images from his personal cell phone to Ex. [REDACTED]'s personal cell phone. Ex. [REDACTED] stated that the messages were "offensive and harassing." Ex. [REDACTED] did not solicit the sexual messages from Wheeler-Smith and did not engage in conversations that would suggest to Wheeler-Smith that he wanted Wheeler-Smith to send the messages.

Ex. [REDACTED] found many of Wheeler-Smith's messages "abhorrent," "very offensive," "transphobic," "deeply sexist," and "misogynistic." Ex. [REDACTED] responded to some of the messages in an effort to convey that he agreed with Wheeler-Smith and to "go along with it" to protect his job. Ex. [REDACTED] said it was clear to him that he would suffer personal backlash if he did not pretend to be in cahoots with Wheeler-Smith about the sexual messages. Specifically, Ex. [REDACTED] said that Wheeler-Smith fired former RSJ Director Davita Ingrahm, evidence to Ex. [REDACTED] that Wheeler-Smith could also fire him.

Ex. [REDACTED] was very offended when Wheeler-Smith sent Ex. [REDACTED] an offensive meme of Kamala Harris that implied she gave sexual favors for political advancement (Attachment 9, at 15-16). Ex. [REDACTED] understood Wheeler-Smith's comment to the Harris meme, "This innanet is undefeated," to mean that the meme about Harris was "spot on," and "accurate as hell." Ex. [REDACTED] was deeply offended by the meme and said it took his "breath away," particularly in light of the role Black men played in the 2024 election and the derogatory images of a Black woman. Ex. [REDACTED] assumed Wheeler-Smith did not respect or like Harris.

Ex. [REDACTED] went on a work-related trip to Birmingham, Alabama in 2023.¹¹ Ex. [REDACTED], Mohamed, and Wheeler-Smith were also on the trip. Ex. [REDACTED]'s birthday fell during the middle of the trip and Wheeler-Smith invited Ex. [REDACTED] out that evening to celebrate. Without first telling Ex. [REDACTED] where they

¹¹ Ex. [REDACTED] did not provide the date of the trip. Ex. 06D [REDACTED] Ex. [REDACTED] was also on the trip and recalled it occurred in 2023.

were going, Wheeler-Smith took Ex. [REDACTED] to two strip clubs that evening. Ex. [REDACTED] did not tell Wheeler-Smith he did not want to go to strip clubs because it felt “dangerous to say” and because his livelihood was in the balance.

The next morning, Ex. [REDACTED] told Ex. [REDACTED] and Mohamed that Wheeler-Smith took Ex. [REDACTED] to strip clubs. They were shocked but did not ask if he was okay. Sometime later, Wheeler-Smith sent Ex. [REDACTED] a message that referenced the trip:

- Wheeler-Smith (Undated):
 - Oh well fuck em
 - I do a lot and I’m tired of ungrateful MF’s that don’t give a shit about me or the impact to my well being as long as they get what they need smh
 - Man you ain’t here so I can’t blame going to the strip club on your birthday [laugh cry emoji]
 - That was good times!
- Ex. [REDACTED] (Undated):
 - Yeah dawg...my ass fucked around blabbing to FM, Ex. [REDACTED].grrh.



(Attachment 9, at 7). Ex. [REDACTED]’s reply, “Yeah dawg my ass fucked around blabbing to FM and Ex. [REDACTED],” was a reference to Ex. [REDACTED] telling Ex. [REDACTED] and Mohamed that Wheeler-Smith took him to a strip club. Ex. [REDACTED] said he wrote the response to protect himself from Wheeler-Smith because he knew he made a “mistake” telling them that Wheeler-Smith took him to a strip club.

b. Subject Derrick Wheeler-Smith’s Response to the Allegations

Wheeler-Smith and Ex. [REDACTED] had a long-standing personal relationship that existed well before they worked together at OCR. He had known Ex. [REDACTED] for over twenty years and in different capacities. They were friends and used to be close, had been in each other’s homes, and shared deep conversations about life.

Wheeler-Smith said that the way they communicated via text and DM’s reflected their friendship and familiarity. They used the N-word as a term of endearment. It was not something a person would normally call their boss unless they were friends, and it showed the nature of their relationship.

Wheeler-Smith and Ex. [REDACTED] exchanged many messages and memes with each other over time. Wheeler-Smith estimated that they probably exchanged one hundred memes. Ex. [REDACTED] submitted as evidence for the investigation only about ten percent of the messages they shared, and

those messages did not show the full picture of their relationship. In addition to memes, they shared scripture, music, encouraging notes, and content about politics and other parts of life.

Wheeler-Smith acknowledged that some of the messages and memes they exchanged were sexual in nature. He said these were jokes shared between friends and part of how they communicated. He said he deeply regretted that jokes he shared with Ex. [REDACTED], a friend since the 1990s, were being used as proof of something "that did not exist." It was unfortunate that Ex. [REDACTED] took a small part of their friendship and manipulated it to create a narrative that portrayed Wheeler-Smith as someone he was not.

Wheeler-Smith said that Ex. [REDACTED] actively participated in exchanging memes and messages of a sexual nature. Ex. [REDACTED] never told Wheeler-Smith that his messages made Ex. [REDACTED] uncomfortable. To the contrary, Ex. [REDACTED] responded to many of the messages in a positive manner, including laughing, and sent sexual content to Wheeler-Smith. This was consistent with how they had always communicated. Wheeler-Smith did not exchange personal text messages with any other employee, because he did not have the same long-term relationships with others that he had with Ex. [REDACTED].

According to Wheeler-Smith, the Black community respected its elder members. Ex. [REDACTED] was a seventy-year-old Black man. As a result, Ex. [REDACTED], not Wheeler-Smith, set the tone of their friendship, including initiating the sexual content of their messages. Ex. [REDACTED] sent Wheeler-Smith many messages, images, and videos of a sexual nature, without prompting from Wheeler-Smith (Attachment 10). Wheeler-Smith believed the messages and videos that Ex. [REDACTED] sent him refuted Ex. [REDACTED]'s claim that Ex. [REDACTED] did not want or welcome memes or messages of a sexual nature. The memes, videos, and messages that Ex. [REDACTED] sent him gave a full picture of their relationship and that they both exchanged these types of images and messages. Wheeler-Smith believed that someone who no longer wanted Wheeler-Smith in the Director position may have influenced Ex. [REDACTED] to claim that he was offended by Wheeler-Smith's messages to try to establish "just cause" to terminate Wheeler-Smith.

Wheeler-Smith and Ex. [REDACTED]'s relationship began to change toward the end of 2025, which caught Wheeler-Smith off guard. At that time, Ex. [REDACTED]'s out-of-class assignment ended, and he was to return to his regular Ex. 06D Employment [REDACTED], which was a substantially lower salary. Ex. [REDACTED] asked Wheeler-Smith several times in 2025 if he could receive a raise but Wheeler-Smith did not have the authority to give one. Wheeler-Smith asked Ex. [REDACTED] to speak to Ex. [REDACTED] and explain why Wheeler-Smith could not offer him a raise. After Ex. [REDACTED] spoke to Ex. [REDACTED], Wheeler-Smith saw a shift in Ex. [REDACTED]'s energy toward Wheeler-Smith. He initially did not read too much into it but later saw how it played out in this investigation.

Wheeler-Smith did not have access to older messages that he exchanged with Ex. [REDACTED] because he bought a new iPhone in October and lost prior text history. The messages he provided in this investigation came from different platforms, including text messages and direct messages on Instagram. The screenshots did not show dates clearly, but he explained the messages were all sent in 2025.

Wheeler-Smith sent Ex. [redacted] a meme that was an appalling depiction of Vice President Kamala Harris and implied she engaged in sexual favors. He sent it and the statement, "This innanet is undefeated" to show his distaste for the vile and disrespectful meme (Attachment 9, at 15-16).

Sometime in 2026, Wheeler-Smith received a call from a political leader who said that blogger Erica Barnett claimed she received memes from Ex. [redacted] about him. He said the leader, who Wheeler-Smith declined to identify, described the situation like a public lynching. He said he called Ex. [redacted] immediately and asked what was going on. He said Ex. [redacted] denied sending anything and said he would never do that to him. He said he did not know which memes were involved and only knew what was published later.

Wheeler-Smith, Ex. [redacted], Mohamed, and Ex. [redacted] took a work trip to Birmingham, Alabama to tour civil rights sites. Ex. [redacted]'s birthday occurred on one of the days they were in Birmingham. Someone suggested that they take Ex. [redacted] to a strip club for his birthday. Wheeler-Smith did not plan to go to the strip club, but Ex. [redacted] said he would only go if Wheeler-Smith went. Wheeler-Smith only went because Ex. [redacted] asked him to. Wheeler-Smith did not tell any of his colleagues that he went to a strip club, but Ex. [redacted] said he told Ex. [redacted] and Mohamed the next morning that he and Wheeler-Smith went to a strip club.

Wheeler-Smith felt betrayed by Ex. [redacted], someone Wheeler-Smith had looked out for over the years, and stated that Ex. [redacted] used their shared history and friendship to attack Wheeler-Smith's character.

c. Fahima Mohamed's Account

Mohamed did not hear Wheeler-Smith make sexual comments or jokes in the workplace and did not personally receive sexual images or sexually explicit messages from him. Wheeler-Smith did not make comments with sexual connotations or innuendo in her presence, and she was not aware of him engaging in that type of conduct at work.

Mohamed first learned of allegations involving sexual images or sexually explicit material through a news article. No employees said that Wheeler-Smith sent them sexual images or made sexual comments.

Mohamed never saw the meme of Kamala Harris. Ex. [redacted] never told Mohamed that Wheeler-Smith sent him the Harris meme.

Mohamed went to Birmingham with Ex. [redacted], Ex. [redacted], and Wheeler-Smith. On the trip, Ex. [redacted] told her and Ex. [redacted] that he and Wheeler-Smith went to a strip club the night before. Ex. [redacted] said he wanted to go to a strip club for his birthday and invited Wheeler-Smith to join him. Mohamed knew that Ex. [redacted] and Wheeler-Smith had a long friendship and socialized outside of work.

Ex. [redacted] did not express concerns to her about Wheeler-Smith's conduct related to going to a strip club. Mohamed did not speak to Wheeler-Smith about going to the strip club visit. Ex. [redacted] spoke

positively about Wheeler-Smith, and said he loved him and felt blessed to have Wheeler-Smith as a supervisor.

d. Ex. 06D Ex. 's Account

Ex. is Ex. 06D Employment Related Investigation. She was previously Ex. Ex. 06D Employment from 2018 to 2024. In 2023, Ex. went to Birmingham, Alabama with Mohamed, Ex., Wheeler-Smith, and members of the community. Ex.'s birthday occurred during the trip. The morning after Ex.'s birthday, Ex. told Ex. and Mohamed that Wheeler-Smith took him to a strip club the night before. Ex. appeared very uncomfortable and ashamed when he told Ex. and Mohamed that he went to a strip club. Ex. did not say that he wanted to file a complaint against Wheeler-Smith.

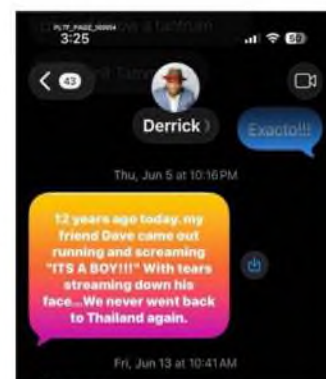
e. Other Witness Accounts

No other witnesses reported receiving sexual messages or images from Wheeler-Smith. Ex. showed some of Wheeler-Smith's messages to Ex., Ex., ExEx., Ex. 06D, Ex., Ex., and Ex.

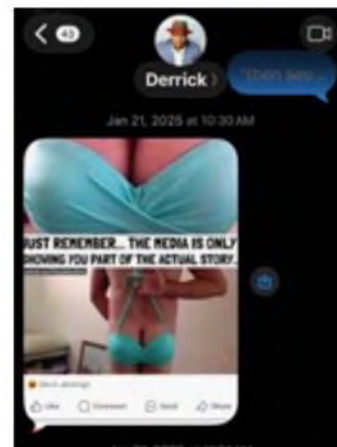
2. Wheeler-Smith and Ex.'s Text Messages and Images

Messages Wheeler-Smith sent to Ex.: Ex. provided copies of messages that Wheeler-Smith sent to him. A full set of the messages is contained in Attachment 9. The following messages that Wheeler-Smith sent Ex. were sexual in nature or contained strong sexual innuendo:

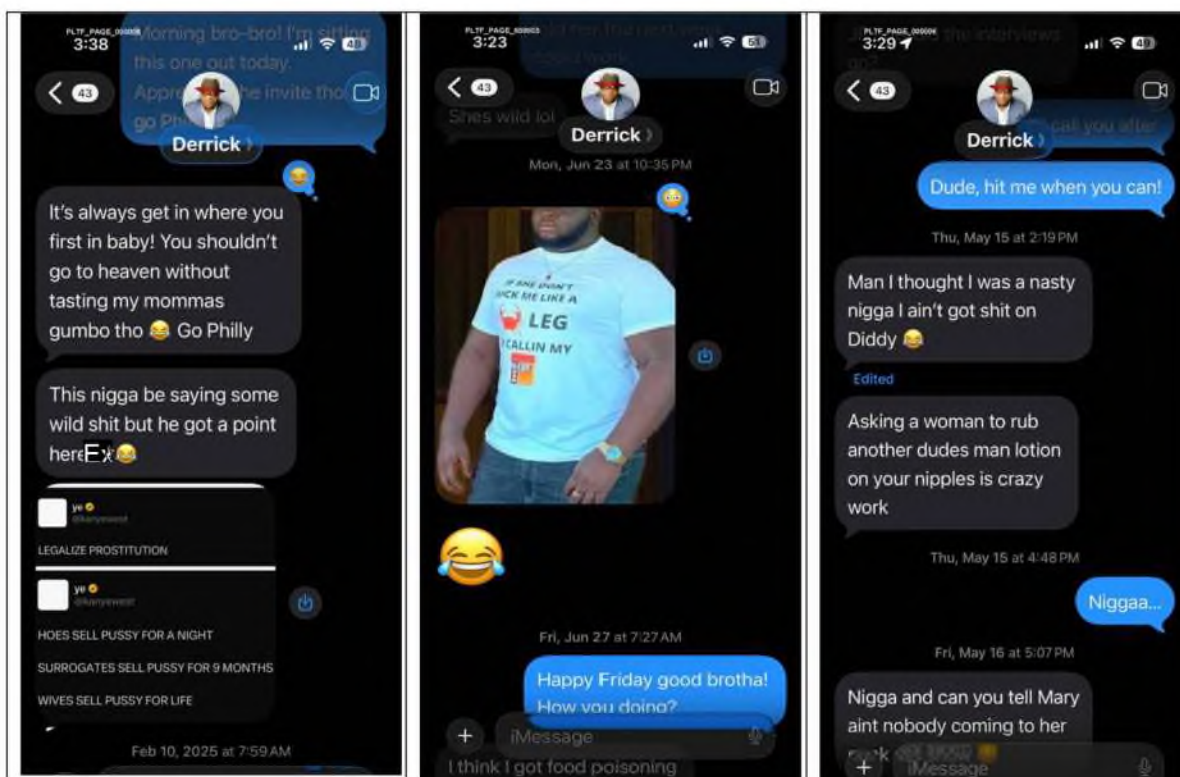
- Thu. June 5
 - Wheeler-Smith at 10:16pm: [Meme] "12 years ago today, my friend Dave came out running and screaming "IT'S A BOY!!!" With tears streaming down his face...We never went back to Thailand again."
- Wed. July 30
 - Wheeler-Smith at 9:06pm: [Meme] "My throat hurt but my baby got Uniform Clothes"
 - Wheeler-Smith: N[***]as aint shit
 - Ex. at 10:41pm Ex. responded to the meme: [Laughing emoji] "Gobble gobble"



- Jan 21, 2025
 - Wheeler Smith at 10:30am: Meme to the right: "Just remember...the media is only showing you part of the actual story"



The following are other examples of the messages Wheeler-Smith sent Ex. 333:



- Wheeler Smith: Meme to the right:
- CONGRATS to Kamala on her new promotion!
I don't know how you do it!



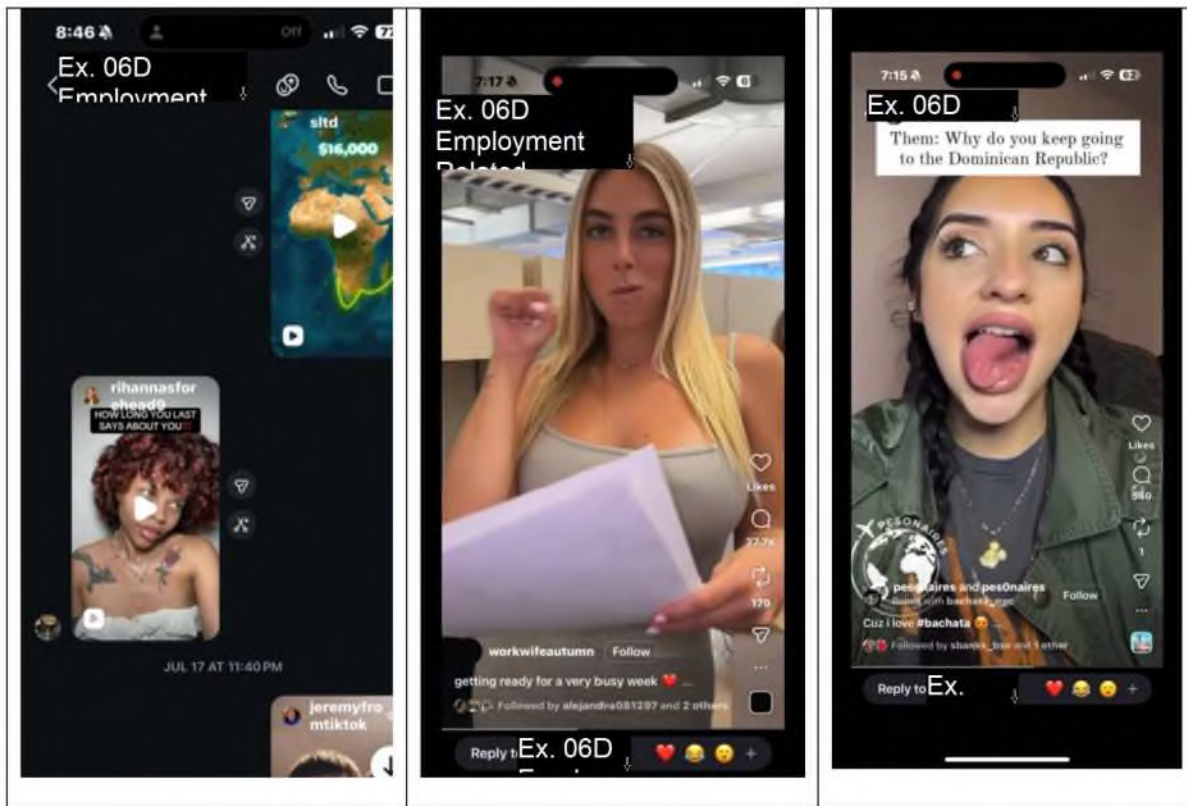
The dates and context of many of the messages reveal that they were sent in the 2024-2025 time period.

Messages Ex. 06D Sent to Wheeler-Smith: Wheeler-Smith provided copies of messages and videos that Ex. 06D sent to him. Wheeler-Smith received the messages and videos in 2025 via Instagram Direct Messaging and by text. The following messages are sexual in nature:



Full size images are contained in Attachment 10.

Ex. [REDACTED] also sent Wheeler-Smith three videos that contained strong sexual content. The following are screen shots of the videos:¹²



3. Findings

The preponderance of the evidence supports a finding that Wheeler-Smith violated Rule 1.1, sexual harassment, by taking Ex. [REDACTED] to a strip club on a work trip. The preponderance of the evidence does not support a finding that Wheeler-Smith violated Rule 1.1, sexual harassment, by exchanging sexual messages with Ex. [REDACTED].

First, it is undisputed that Ex. [REDACTED] and Wheeler-Smith went to a strip club after hours on a work trip to Birmingham. Ex. [REDACTED] said Wheeler-Smith invited him and he went because he did not feel he could safely say no to Wheeler-Smith. Wheeler-Smith said someone else raised the idea of going to a strip club and he went only because Ex. [REDACTED] asked him to. Ex. [REDACTED] said Ex. [REDACTED] told her and Mohamed that Wheeler-Smith took Ex. [REDACTED] to the club. Mohamed, on the other hand, said Ex. [REDACTED] told her and Ex. [REDACTED] that he invited Wheeler-Smith. Despite these contradictory statements, it is

¹² The videos are contained in files sent separately.

undisputed that Wheeler-Smith, in his role as Ex. [REDACTED]'s supervisor, on a work-related trip, attended a strip club with a subordinate employee.

Although Ex. [REDACTED]'s conduct in actively exchanging sexual messages with Wheeler-Smith refuted Ex. [REDACTED]'s assertion that he did not welcome Wheeler-Smith's sexual messages, his statement that he felt compelled to go to a strip club because Wheeler-Smith invited him or decided to attend is credible. Ex. [REDACTED]'s consent to and participation in the exchange of digital messages, where Ex. [REDACTED] exercised control over his level of participation, is vastly different than declining an in-person invitation from one's supervisor, while on a work trip, and accompanied by members of your community, in a socially pressured environment. Attending a strip club in person is a more intensely sexual experience than viewing sexual memes, videos, and messages. Ex. [REDACTED] had the discretion to determine what level of sexual conduct he welcomed, and it is plausible that a strip club was not welcomed. Ex. [REDACTED] stated that Ex. [REDACTED] appeared ashamed when he told her that Wheeler-Smith took him to a strip club, which supports Ex. [REDACTED]'s assertion that he did not want to go to the strip club. Although it is a close call whether Ex. [REDACTED] willingly went to the strip club in Birmingham, because of the supervisory relationship, the weight of the evidence supports that Ex. [REDACTED] more likely than not felt compelled to go with Wheeler-Smith.

Personnel Rule 1.1 defines "sexual harassment" as unwelcome verbal or physical conduct of a sexual nature. "Examples include unwelcome sexual flirtations or propositions, verbal abuse of a sexual nature, pressure or abuse of a sexual nature, pressure or unwelcome requests for sexual activities, unnecessary touching, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display of sexually suggestive objects or pictures in the workplace, sexually explicit or offensive jokes, or physical assault."

Nudity and nude dancing constitutes sexually explicit conduct as defined by Rule 1.1. There was evidence that Ex. [REDACTED] did not want to go to the strip club but did not feel he could decline. As a result, Ex. [REDACTED] was subjected to a display of sexually objective visuals at the strip club that an unwilling attendee would reasonably consider severe and offensive. Accordingly, Wheeler-Smith violated Rule 1.1., sexual harassment, when he took Ex. [REDACTED] to a strip club where Ex. [REDACTED] was subjected to unwelcome conduct of a sexually explicit nature.

Next, it is undisputed that Wheeler-Smith and Ex. [REDACTED] exchanged messages and images of a sexual nature over a several-year time period. They exchanged the messages on their personal cell phones, often during working hours. The messages and images were sexually explicit or contained strong sexual innuendo (Attachments 9 and 10). Wheeler-Smith sent Ex. [REDACTED] several messages and images. He sent graphic sexual messages, messages that were sexually degrading to women and sexually explicit jokes (Attachment 9, at 3-4, 5, 8-9, 17).

Ex. [REDACTED] said he did not welcome Wheeler-Smith's sexual messages and was afraid to object to them for fear of reprisal, but the evidence does not support Ex. [REDACTED]'s statement. A review of the messages that Ex. [REDACTED] exchanged with Wheeler-Smith in 2024-2025 shows that Ex. [REDACTED] actively participated in, initiated, and encouraged the exchange of sexual messages and images with Wheeler-Smith (Attachment 10), refuting Ex. [REDACTED]'s account that he did not welcome Wheeler-Smith's sexual messages. For example, when Wheeler-Smith sent an image to Ex. [REDACTED] that was a

post that implied a woman performed oral sex to receive money, Ex. 06D reacted with, "Haha," and replied, "Gobble, gobble" (Attachment 9, at 17). Ex. 06D shared social media content with Wheeler-Smith as recently as November 2025 (Attachment 10, at 16). The content of the messages they exchanged, combined with the fact that Ex. 06D and Wheeler-Smith had a years' long, personal relationship, support that, more likely than not, Ex. 06D welcomed the exchanges.

Ex. 06D did not provide credible evidence that he participated in sending sexual messages to Wheeler-Smith because he feared for his job. Ex. 06D never reported his concerns to SDHR and only showed others some of Wheeler-Smith's sexual messages, such as the Harris meme, in late 2025. As discussed in detail in Section D, below, at that time, Ex. 06D's position on leadership team was ending and he was going to move back to his regular position at a significantly reduced salary.¹³ As a result, Ex. 06D had a strong motive to fabricate his account that he did not welcome Wheeler-Smith's messages.

Ex. 06D's statement that he feared reprisal from Wheeler-Smith, a friend for over 20 years, was based on Ex. 06D's belief that Wheeler-Smith fired former RSJ Director Ingrahm. Even if Wheeler-Smith terminated Ingrahm, there is nothing to connect that action to Ex. 06D's belief that Wheeler-Smith would harm Ex. 06D if Ex. 06D did not approve of or participate in the exchange of sexual messages. In one of the messages Ex. 06D and Wheeler-Smith exchanged, Ex. 06D declined a social invitation from Wheeler-Smith (Attachment 9, at 9), evidencing that he was able to tell Wheeler-Smith, "No," despite their power differential at work. For other messages, Ex. 06D did not appear to reply at all, some evidence that Ex. 06D did not feel compelled to respond to Wheeler-Smith and, when he did, he did so willingly.

This evidence shows that Ex. 06D more likely than not actively participated in sending sexual messages to Wheeler-Smith and replied in a sexual manner to many of Wheeler-Smith's messages. As a result, Wheeler-Smith's conduct in sending sexual messages to Ex. 06D was not "unwelcome" as defined by Rule 1.1. Therefore, without the required element of "unwelcome," Wheeler-Smith did not violate Rule 1.1 by exchanging messages of a sexual nature with Ex. 06D.

C. Issue 3: Did Derrick Wheeler-Smith and/or Fahima Mohamed Violate Rule 1.1, Retaliation, by Threatening Roderick Morrison with Reprisal After he Spoke to Human Resources?

1. Summary of Relevant Interviews

a. Ex. 06D Ex. 06D's Account

Early in her tenure at OCR, Ex. 06D learned that Wheeler-Smith and Mohamed told Morrison that SDHR reported to them, and that staff should not go to HR. According to Ex. 06D, Morrison was concerned that one of his employees, Ex. 06D Ex. 06D was bullying Strategic Advisor Reed Steberger. Morrison told Ex. 06D that he talked to Mohamed about his

¹³ Ex. 06D stated that Ex. 06D's hourly rate went from \$70.02 per hour to \$60.30 per hour when he returned to his Ex. 06D position, resulting in an approximately \$20,000 annual reduction in pay.

concerns and that Mohamed responded, "We protect Black women," referring to Ex. Morrison told Ex. that Mohamed told him not to go to SDHR and to keep concerns "in house." Morrison said that Wheeler-Smith and Mohamed told him, "There would be no next time," if he spoke to SDHR again. After Morrison left OCR, Ex. was afraid to go to SDHR because of what Wheeler-Smith and Mohamed said to Morrison.

b. Subject Derrick Wheeler-Smith's Response

Wheeler-Smith was aware that Morrison spoke to Ex., Ex. 06D Employment, in early 2025 to discuss Ex.'s conduct. Morrison was new to the City and had been working at OCR for only about five months at that time. Morrison did not have prior experience with City processes, such as how to manage employee performance.

After Morrison spoke with HR, Wheeler-Smith and Mohamed met with Morrison to talk to him about the process of managing employee performance. He and Mohamed wanted to set clear expectations, in partnership with SDHR, about what the proper steps were before disciplining or writing up an employee. The City had many processes and clarity was important, especially for a new manager like Morrison.

Wheeler-Smith and Mohamed did not discourage Morrison from speaking to HR. They wanted him to understand how to create a culture of accountability with the employees who reported to him and to follow City procedures correctly. There were several situations where Morrison later said, "You didn't say that," which contributed to Mohamed's desire to clearly outline expectations.

Wheeler-Smith did not hear Mohamed tell Morrison, or any other employee, "We protect Black women."

c. Subject Fahima Mohamed's Response

Mohamed denied trying to discourage any employees from speaking to HR. When Mohamed read the allegation in the news article, the only incident she thought of related to Morrison. In January 2025, Ex. 06D Employment Ex. called Mohamed and said that Morrison had contacted Ex. about issuing a coaching and counseling memo to Ex. 06D Ex. Ex. Although Mohamed met with Morrison weekly, he never told her that he had concerns about Ex., and Mohamed first learned of Morrison's concerns when Ex. told her. After Ex. called Mohamed, Mohamed spoke to Morrison and walked him through how the progressive discipline process worked. Mohamed explained to Morrison that he should speak to Ex. first about his concerns with her performance and then talk to Mohamed. If they were unable to resolve the issues, they could speak to HR. Mohamed and Morrison exchanged emails that summarized their conversations on this issue (Attachment 11).

Mohamed encouraged people to go to HR. Morrison told Mohamed that Ex. and former RSJ Advisor Steberger had issues working together and had taken their concerns to the City Ombud's Office. Ex. later told Mohamed what her concerns were with Steberger, but

Steberger never shared his concerns with Mohamed. Mohamed said she referred Ex. [REDACTED] to Ex. [REDACTED] in HR. Later, Steberger wrote a long email that Ex. [REDACTED] was discriminating against him based on his gender identity. Mohamed ensured that Steberger's concerns were also sent to Ex. [REDACTED] in HR. Ex. [REDACTED] said she sent Steberger's complaints to HRIU.

Ex. [REDACTED] has spoken to the leadership team about the progressive discipline process, which tracked with what Mohamed told Morrison. Specifically, Ex. [REDACTED] confirmed that managers could not write employees up without going through this process.

Mohamed never heard Wheeler-Smith tell anyone not to speak to SDHR. She never heard him say to keep questions "in house." Mohamed never said, and did not hear Wheeler-Smith say, that SDHR reported to them. Ex. [REDACTED] did not report to anyone in OCR; she reported to her manager in SDHR, which is outside of OCR.

d. Other Witness Accounts

i. Ex. 06D Ex. [REDACTED]

Ex. [REDACTED] is Ex. 06D Employment Related [REDACTED] and supports OCR. She has been in the position since 2023.

In January 2025, Morrison contacted Ex. [REDACTED] to discuss Ex. [REDACTED] (Attachment 12). Ex. [REDACTED] advised Morrison to issue Ex. [REDACTED] a coaching and counseling memo (Attachment 13). Later, Morrison told Ex. [REDACTED] that he spoke to Mohamed about Ex. [REDACTED]. Morrison requested medical leave not long after. Morrison never told Ex. [REDACTED] that he was subject to a hostile environment or retaliation. Morrison never received a performance evaluation prior to his resignation.

Ex. [REDACTED] agreed that it was appropriate for OCR leadership to want managers to try to resolve HR issues at the lowest possible level before escalating to HR. Ex. [REDACTED] was concerned that Mohamed engaged in conduct that may have had a "chilling effect" on people reporting concerns to SDHR. For example, after Morrison spoke to Ex. [REDACTED], Mohamed reached out to Ex. [REDACTED] to discuss concerns she had about Morrison's performance. Mohamed did not tell Ex. [REDACTED] that she was concerned that Morrison had reached out to HR, but said she had concerns with how he handled the conflict between Ex. [REDACTED] and Steberger.

Mohamed made comments in the past at SDHR check ins with leadership that she did not want members of the leadership team going to HR. Mohamed wanted the leadership team to take HR concerns to her first. Mohamed demonstrated defensiveness when she learned if a leadership team member went to HR.

ii. Ex. [REDACTED] Ex. 06D [REDACTED]

Wheeler-Smith and Mohamed asked Ex. 06D [REDACTED] to raise issues to direct supervisors before going to HR. This was a courtesy that allowed the direct supervisors to be informed and help with next steps. Ex. 06D [REDACTED] believed the reports of retaliation were false; Wheeler-Smith and Mohamed,

she said, had an open-door policy and set up systems and trainings to support employees in their “triggering” work.

2. Findings

The preponderance of the evidence does not support a finding that Mohamed and Wheeler-Smith violated Rule 1.1, retaliation, by threatening Morrison with reprisal because he went to SDHR to talk about an employee.

Mohamed stated, and the evidence supports, that she spoke to Morrison after she learned that Morrison went directly to Ex. [REDACTED] in SDHR to discuss the conduct of Ex. [REDACTED], which was not consistent with OCR’s internal practice. Mohamed and Wheeler-Smith consistently stated that they wanted all managers to follow a process of managing employee performance and conduct by speaking to the employees, talking to Mohamed and Wheeler-Smith, and then, if the issues remained unresolved, to connect with HR. Ex. 06D [REDACTED] corroborated that Mohamed and Wheeler-Smith also told her to report employee performance issues to them before going to HR, evidence that they expected all managers to follow a protocol before taking employee issues to HR. Though Ex. [REDACTED] stated she was concerned about a potentially chilling effect that this practice might have on employees reporting concerns to HR, this concern is outweighed by the evidence that Mohamed directed employees to Ex. [REDACTED].

Morrison declined to participate in this investigation. However, emails between Mohamed, Morrison, and Wheeler-Smith corroborate Mohamed’s account that she was not angry at Morrison for speaking to HR. On January 14, 2025, Morrison sent Mohamed and Wheeler-Smith an email summarizing their meeting about Ex. [REDACTED]. Morrison wrote:

I want to thank you and Derrick for taking the time for these conversations related to personnel matters this week. I would like to recap what we covered during our meeting on 1/13 just to ensure I am clear on SOCR protocol/ next identified steps related to these matters.

- Prior to contacting HR regarding any disciplinary matters or performance management, I should make sure SOCR Leadership has been notified first.*
- As this current matter is being resolved there is a need for the RSJ Division to continue developing group agreements regarding conduct and conflict.*
- I should continue to ensure that you are aware of any progression or developments of a situation regarding members of the RSJ Division.*

(Attachment 11). Morrison’s email reiterates Mohamed’s and Wheeler-Smith’s statements in this investigation that they wanted Morrison to follow an internal process before taking issues to HR. Nothing in Morrison’s email, or in this investigation, shows that Mohamed or Wheeler-Smith discouraged Morrison from speaking to SDHR about other issues or that they took any disciplinary action against Morrison for speaking to SDHR about his employee. Although Morrison took leave shortly after, he did not indicate in any documents that he did so because of Wheeler-Smith or Mohamed’s conduct. For all these reasons, it is more likely than not that

Mohamed and Wheeler-Smith did not threaten Morrison with reprisal because he went to SDHR to talk about an employee's conduct.

Rule 1.1 defines "retaliation" as a materially adverse action taken because an employee asserted rights protected by Personnel Rule 1.1. The factual findings above show that Mohamed and Wheeler-Smith took no materially adverse action against Morrison: he was not disciplined for speaking to SDHR and suffered no loss of pay or change in duties. Accordingly, Mohamed and Wheeler-Smith did not violate Rule 1.1 by coaching Morrison on internal performance management principles.

D. Issue 4: Did Derrick Wheeler-Smith and/or Fahima Mohamed Violate Rule 1.1, Retaliation, by Taking Adverse Action Against Employees for Asserting Rights Protected by Personnel Rule 1.1?

1. Summary of Relevant Interviews

a. Witnesses that Claimed Retaliation¹⁴

The following witnesses alleged that Wheeler-Smith and/or Mohamed took reprisal against them for making complaints about them.

i. Ex. Ex.

Ex. Ex. believed that Wheeler-Smith was angry that Ex. Ex. complained to the Union about the racial autobiography project he assigned in the fall of 2025. She alleged that Wheeler-Smith retaliated against her when, in early 2026, he changed her reporting structure to report to him and not to Mohamed. Ex. Ex. also alleged that Wheeler-Smith sent her a series of critical emails in January and February 2026, copying her entire team, in which he threatened to change her job duties, in reprisal for her objecting to the Racial Autobiography project.¹⁵

ii. Ex. Ex.

Ex. Ex. alleged that Wheeler-Smith and Mohamed removed him from the leadership team because he objected to the racial autobiography project. Ex. Ex. did not speak to the Union or SDHR about the project, but understood that Ex. Ex. and others identified him as someone who also objected to the project. At that time, Wheeler-Smith confronted Ex. Ex. and said, "I hear you've been talking shit about me." Ex. Ex. did not respond to Wheeler-Smith's comment. Soon after that, Mohamed told Ex. Ex. that she was removing him from the leadership team because

¹⁴ Ex. Ex. alleged that Wheeler-Smith and Mohamed retaliated against her by changing their demeanor toward her after she "pushed back" against their directives to control the conduct of Commissioners. Because she did not allege she engaged in conduct protected by Rule 1.1, it is not included in this investigation.

¹⁵ Ex. Ex. identified numerous concerns she had with Wheeler-Smith's and Mohamed's leadership, including unfair criticism of her work and escalating tensions around her comments and emails. Those issues fall outside of Rule 1.1 and are not addressed here.

he did not have any employees reporting to him. He believed it was in retaliation for participating in the complaints about the Racial Autobiography project.

b. Subject Fahima Mohamed's Response to the Allegations

Racial Autobiography Project. The racial autobiography project emerged from an antiblackness training that took place in October 2025. The trainer encouraged participants to develop a racial autobiography as a way to reflect on why they do racial equity work. She said the idea was to determine how personal socialization and lived experience inform people's professional work in racial equity.

The racial autobiography project was intended to be a reflective exercise, not a disciplinary or evaluative tool. Participants were expected to go through written prompts privately and then prepare a short verbal statement. She said the intent was for people to share or post a statement in their own office, not to distribute it more broadly. She said the project was meant to support accountability and reflection within leadership.

After Wheeler-Smith assigned the project, the Labor Relations team asked OCR to put the project on hold. She said she was told that staff and the union had asked for a pause. She said that was the first time she learned that there were concerns about the racial autobiography project. She said no individual employee came to her directly to raise objections or concerns.

None of the leadership team told her they had concerns with the racial autobiography assignment. She said she did not know who specifically raised concerns and only knew that the concerns came through the Union. Mohamed learned much later that Ex. 06D told Labor Relations that Mohamed "retaliated" against him for not completing the project.

Ex. 06D's Removal From Leadership. Mohamed and Wheeler-Smith had been talking about changes to Ex. 06D's role since late 2025 because his out-of-class position ended on December 31, 2025, and before Mohamed and Wheeler-Smith learned in January 2026 that the racial autobiography was an issue.

Change in Ex. 06D's Reporting. Wheeler-Smith previously supervised Ex. 06D, Ex. 06D, Ex. 06D. When Ex. 06D was hired, she reported to Mohamed. Ex. 06D hired a new team of employees to support her in the Policy Division, and Mohamed was assigned to supervisor and assist Ex. 06D with the HR processes around hiring and onboarding the new employees. In 2026, and after hiring and onboarding was complete, Mohamed and Wheeler-Smith decided to have Ex. 06D report to Wheeler-Smith. Ex. 06D who reported to Wheeler-Smith, began to report to Mohamed at that time.

c. Subject Derrick Wheeler-Smith's Response to the Allegations

Racial Autobiography Project. Wheeler-Smith created the racial autobiography project for the leadership team. The project was a common exercise in social justice work across the country

and he saw it used in many different sectors and national partnerships. He said the purpose of the activity was to help people understand how they had been socialized on race and how that socialization showed up in their work.

Ex. [REDACTED] told Wheeler-Smith that the Union was the source of the concerns about the racial autobiography project, not any specific employee. SDHR never identified any particular individual who complained. Wheeler-Smith and Mohamed spoke with SDHR and Labor Relations about the project and they initially indicated that they did not have concerns with the project. As they continued conversations about the project, he, Mohamed, SDHR, and Labor Relations made the collective decision to pause it.

He said that one of the concerns he was told about was an allegation that the racial autobiography project had been created using artificial intelligence. He said this was not accurate. He said the project itself was the intellectual property of the group that conducted the training. He said the content was created by people, then placed into AI only to format it into a workbook. He said OCR also made some contextual adjustments to tailor it to their office and work.

He said that neither he nor Mohamed ever discussed the racial autobiography project with specific employees as complainants. He said they never talked about individual employees raising concerns, because they did not know who, if anyone, had raised them. He said no leader ever came to him directly to say they were uncomfortable with the racial autobiography project.

He said he was completely surprised to learn that leaders had concerns about the racial autobiography project. He said this surprised him because the leadership team had already gone through the training together. He said these were experienced leaders, and OCR had an open model where leaders were encouraged to speak up if something was coming up for them. He said none of the leadership team raised concerns during or after the training, or when he assigned the project. After he paused the project, he did not take any adverse action against anyone because of the project. He said the project was pulled and paused, and he questioned how retaliation could have occurred if the project was removed and never presented.

He said that allegations of retaliation tied to the project did not make sense to him because he did not know who complained, if anyone had complained, and therefore did not know who he would have been retaliating against. He said that at the time organizational decisions were being made, he had no knowledge of who complained about the project.

Ex. [REDACTED]'s Removal From Leadership. Ex. [REDACTED] served in an Ex. 06D Employment Related [REDACTED] Ex. 06D Employment Related [REDACTED] and sat on the leadership team in that role. Prior to taking the out-of-class position, Ex. [REDACTED] did not sit on the leadership team. Ex. [REDACTED] Ex. 06D [REDACTED] ended at the end of 2024. Ex. [REDACTED] continued to oversee the handoff of the project to other departments and his role continued through 2025.

Wheeler-Smith and Mohamed began conversations in late 2025 about Ex. 66D's role when he returned to his regular Ex. 06D Employment. They discussed whether Ex. 66D would return to policy work, to Race and Social Justice Initiative work, or split his time between those functions. In his role as Ex. 06D, Ex. 66D had a dotted-line reporting relationship to multiple directors. It created a conflict of interest for Ex. 66D to sit on the leadership team with his supervisors.

The leadership team was intended to include people who managed people or managed large scopes of work that touched all parts of the Department. Decisions about membership were based on organizational needs and structure. He said that Mohamed asked for feedback about Ex. 66D in December 2025 and later asked Ex. 66D for input on a job description in February 2026. He said that this showed they were still trying to place Ex. 66D appropriately within the organization. Wheeler-Smith did not know that Ex. 66D objected to the racial autobiography project.

Change in Ex. 66D's Reporting. Wheeler-Smith and Mohamed regularly moved people in and out of reporting relationships based on changes in work, scope, and budget. He said that other leadership team members, including Ex. 66D and Ex. 06D, were reassigned between supervisors over time.

Wheeler-Smith did not know that any employees complained about the racial autobiography project. He may have learned in late 2025 that the Union had some concerns about the project being AI-generated, but he did not know that any employees complained. When he and Mohamed made the decision in January 2026 to have Ex. 66D report to Wheeler-Smith and not to Mohamed, he did not know that Ex. 66D had complained about the racial autobiography project.

2. Findings

The preponderance of the evidence does not support a finding that Mohamed and Wheeler-Smith violated Rule 1.1, retaliation, by taking adverse action against Ex. 66D or Ex. 66D because they complained about the racial autobiography project.

First, there is no evidence that Wheeler-Smith knew that Ex. 66D or Ex. 66D complained about the racial autobiography. The Union filed the initial complaint with Labor Relations about the project on December 22, 2025 (Attachment 14). Ex. 66D notified Wheeler-Smith and Mohamed on January 6, 2026 about the Union's specific concerns (Attachment 15). Neither the Union complaint, nor the email from HR, identified specific employees who complained about the project.

Although Ex. 66D said he objected to completing the racial autobiography project, he admitted that he did not speak to the Union or SDHR about it. The preponderance of the evidence shows that Wheeler-Smith and Mohamed likely did not know which employees, if any, complained about the project.

Next, it is undisputed that the decision to move Ex. back to his regular position Ex. 06D Ex. 06D was the direct result of his out-of-class position ending. The out-of-class position ended on December 31, 2024, but Ex. stayed in the position until December 31, 2025 (Attachment 16). In late 2025 and early 2026, Mohamed began to review Ex.'s duties and roles for when he returned to his regular position. For example, Mohamed asked ExEx. for feedback on Ex. in December 2025 (Attachment 17), and asked Ex. for input on an updated job description on February 2, 2026 (Attachment 18).

Wheeler-Smith removed Ex. from the leadership team as part of Ex.'s move to his regular position Ex. 06D Employment. Mohamed denied telling Ex. that he could not sit on leadership team if he did not supervise an employee, which he did not do as Ex. 06D Wheeler-Smith and Mohamed consistently stated that members of leadership team include them, the three Ex. 06D Ex. 06D, Ex., and Ex.), and those whose work impacted the work of all Divisions within the Department: Ex., who oversaw Ex. 06D; Ex., who oversaw Ex. 06D; and Ex., who oversaw Ex. 06D Ex. 06D sat on the leadership team as Ex. 06D Employment and took notes. No other Ex. 06D who worked in RSJ, Policy, or Enforcement sat on the leadership team.

Finally, the preponderance of the evidence shows that Wheeler-Smith and Mohamed had the discretion to change Ex. 06D's reporting structure at any time. The change did not result in a loss of pay, a reduction in the number of her reports, or a change in her duties. Ex. 06D's predecessor, Ex., reported to Wheeler-Smith. Because Ex. 06D hired a new team when she started as Ex. 06D, she reported to Mohamed for the support in hiring and onboarding new employees.

Rule 1.1 defines "retaliation" as a materially adverse action taken because an employee asserted rights protected by Personnel Rule 1.1. The factual findings above show that Mohamed and Wheeler-Smith took no materially adverse action because ExEx. or Ex. asserted rights protected by Rule 1.1.

First, since the evidence shows that Wheeler-Smith and Mohamed did not know who complained about the racial autobiography project, it follows that they did not take any employment action against ExEx. or Ex. because either individual complained about or objected to the racial autobiography project. On the contrary, Ex. admitted that he did not complain about the project to SDHR or the Union, and ExEx. stated she did not inform Wheeler-Smith or Mohamed of her objections. Without such knowledge, Mohamed and Wheeler-Smith's conduct did not constitute retaliation and they did not violate Rule 1.1.

Further, the evidence supports that the decision to change ExEx.'s reporting structure was not a materially adverse employment action. The change was a management decision within Mohamed's and Wheeler-Smith's discretion, and one they used often and with other employees. The change in reporting structure did not result in a reduction in ExEx.'s pay, duties, authority, or number of direct reports. Therefore, the change in reporting structure did

not constitute a materially adverse action under Rule 1.1 and Mohamed and Wheeler-Smith did not violate Rule 1.1 by changing Ex. Ex.'s reporting structure.

Finally, the foundation for Ex.'s removal from the leadership team was initiated long before the project began, breaking any causal relationship between any objection he might have had about the project and his removal. Ex. served on the leadership team solely by virtue of his out-of-class assignment overseeing Ex. 06D Employment Related. That assignment ended on December 31, 2024, but Ex. remained in the role through December 31, 2025, only to assist with transition. The conclusion of the assignment required Ex. to return to his regular Ex. 06D Employment, which did not include serving on the leadership team. Both Wheeler-Smith and Mohamed consistently stated—and the evidence supports—that leadership team membership was limited to the Director, Deputy Director, Division Directors, and others whose responsibilities affected all divisions of the Department, such as Operations, Commissions, and Communications. Other Strategic Advisors in Policy, RSJ, or Enforcement did not sit on the leadership team. Mohamed and Wheeler-Smith's decision to remove Ex. from the leadership team was therefore consistent with established organizational structure and practice. They did not violate Rule 1.1 by making the change.

E. Issue 5: Did Fahima Mohamed Violate Rule 1.1, Retaliation, by Threatening Ex. Ex. With Reprisal When He Spoke at a Training?

1. Summary of Relevant Interviews

a. Ex. Ex.'s Account

Ex. attended a two-day gender justice training at OCR in January 2024.¹⁶ The training was conducted by two transgender people of color. The trainers said that some trans people identified themselves only by their gender, while others identified themselves as transgender. During the training, Ex. asked questions about transgender identity, and said he had concerns about transgender people not identifying themselves as transgender. Ex. told the trainers that some people did not have as expansive of an idea of femininity as others, and it was important for them to know that they were engaging with a transgender person. He said he framed his comments as curiosity and a desire to understand.

That day, January 9, 2024, at 12:15 p.m., Mohamed texted Ex. a pie recipe. At 12:58 p.m., Mohamed sent another text that said, "Tread lightly" (Attachment 20). Ex. did not see the text until after the training ended late that afternoon. He believed that Mohamed sent the message to him when he asked the questions above. He did not talk to Mohamed about the message but believed that Mohamed intended to caution him about the appropriateness of his questions and that he was at risk of being "canceled" for his comments. He also believed Mohamed was warning him that there would be repercussions for his questions at the training. Ex. believed the message reflected what he saw as Mohamed's broader bias against transgender people and

¹⁶ The training took place on January 9 and 10, 2024 (Attachment 19).

LGBTQ issues. He said he believed leadership discouraged open discussion on these topics, and that the message made him feel at risk professionally if he did not comply.

Ex. [REDACTED] showed the message to Wheeler-Smith who expressed surprise at Mohamed's message. At 3:35 p.m., Ex. [REDACTED] responded to Mohamed, "Tread lightly Fahima." He meant to add a question mark and sent the message to try to understand what Mohamed meant by her text. On February 5, 2024, Ex. [REDACTED] texted Mohamed, "I so appreciate your advice 'tread lightly'" (Attachment 21). He said he sent the message to acknowledge the warning Mohamed gave him in January and to protect himself by smoothing things over and confirming everything was okay between them.

b. Fahima Mohamed's Response

On January 9, 2024, Mohamed attended the gender justice training in the first floor conference room. Mohamed sent Ex. [REDACTED] several text messages that day. She sent him two images of a pie recipe and a message that said, "I didn't add the Jack Daniel's" as listed in the recipe (Attachment 20). Because Ex. [REDACTED], like Mohamed, did not drink alcohol, Mohamed also sent the message, "Tread lightly." She believed she sent the messages all at the same time and sent the "tread lightly" text to caution him about using alcohol in the pie recipe.

During the training, which was led by two transgender trainers, Ex. [REDACTED] asked several inappropriate questions that were dehumanizing toward transgender people. Ex. [REDACTED] asked questions about why nonbinary people wanted breasts. His questions pushed boundaries and Mohamed worried about how others would perceive Ex. [REDACTED]'s comments. Mohamed did not believe, however, that her "tread lightly" message related to Ex. [REDACTED]'s conduct during the training.

c. Derrick Wheeler-Smith's Response

At the gender justice training in January 2024, Ex. [REDACTED] acted inappropriately by asking questions and making comments that were "outlandish and dehumanizing." For example, Ex. [REDACTED] said he would hate to get a woman back to his room and have her "pull out male genitalia." Ex. [REDACTED]'s comment made others at the training uncomfortable. Wheeler-Smith did not remember Ex. [REDACTED] showing him Mohamed's "tread lightly" message after the training in January.

d. Other Witness Accounts

Ex. [REDACTED], Ex. [REDACTED], Ex. [REDACTED], and Ex. [REDACTED] said that Ex. [REDACTED] told them that Mohamed sent Ex. [REDACTED] a text message to "tread lightly" when he spoke about transgender issues and/or transphobia at a training. Ex. [REDACTED] said that Ex. [REDACTED] told him he felt intimidated by Mohamed's text.

2. Findings

The preponderance of the evidence does not support a finding that Mohamed violated Rule 1.1, by threatening Ex. [REDACTED] with reprisal because he raised concerns about transphobia at OCR during a gender-justice training.

First, Ex. [REDACTED] did not object to or complain about transphobia at OCR during the gender justice training in 2024. To the contrary, Ex. [REDACTED] admitted that he asked probing questions of the gender justice trainers about how transgender people identified themselves. By his own account, Ex. [REDACTED] disagreed with the trainers' position that transgender people did not have to identify themselves as transgender. Ex. [REDACTED] said he told the trainers some people did not have "as expansive of an idea of femininity" as others and it was important for them to know that they were engaging with a transgender person.¹⁷ Ex. [REDACTED] said that Mohamed sent him the "tread lightly" message to warn him that he would be "canceled" if he continued to ask probative questions. Although he speculated that Mohamed did not support the rights of transgender people, her message to "tread lightly" was consistent with Ex. [REDACTED]'s own account, and Wheeler-Smith's account, that Ex. [REDACTED] asked controversial questions of the trainer.

Second, it is undisputed that Mohamed sent Ex. [REDACTED] the "tread lightly" message on one day of the gender justice training on January 9, 2024 (Attachments 19 and 20). Although Mohamed denied that she sent her "tread lightly" message to Ex. [REDACTED] to caution him about his conduct in the training, her denial was not credible. It is implausible that she wrote her message to caution Ex. [REDACTED] about the use of Jack Daniel's in a pie recipe she sent him. She sent the pie recipe and her message that she omitted the Jack Daniel's at 12:15 p.m. She sent her "tread lightly" message at 12:58 p.m.¹⁸ The timing of the message indicates that she sent the last message when Ex. [REDACTED] spoke at the training. The message itself -- "tread lightly" -- makes little sense in the context that Mohamed said she meant, i.e., to warn Ex. [REDACTED] not to use Jack Daniel's in a recipe.¹⁹ Mohamed alerted Ex. [REDACTED] to omit the alcohol from the recipe in an earlier message and did not need to repeat it. Moreover, Mohamed and Wheeler-Smith both stated that Ex. [REDACTED] made what they considered to be highly inappropriate statements during the training. Accordingly, it is more likely than not that Mohamed told Ex. [REDACTED] to "tread lightly" with his comments at the training.

As the Deputy Director, Mohamed had the discretion to counsel Ex. [REDACTED] about his conduct at the gender justice training. She did so with a gentle reminder to use caution in his questions, which Ex. [REDACTED] acknowledged were "probative" and questioned the positions of the trainers about

¹⁷ Because Ex. [REDACTED]'s account confirms that he did not raise issues of transphobia at OCR, I did not resolve the factual dispute over whether Ex. [REDACTED] made the comment Wheeler-Smith alleged, i.e., about taking a woman back to his room and seeing male genitals.

¹⁸ Ex. [REDACTED] reviewed his text messages during his interview and said that he received Mohamed's tread lightly message at 12:58pm. His attorney agreed to provide a screenshot of Ex. [REDACTED]'s phone but had not done so by the date of this report.

¹⁹ The gender justice training ran from 10am to 4pm, with a one-hour lunch. The calendar notice did not indicate what time lunch occurred (Attachment 19).

transgender issues. The investigation revealed no evidence that Mohamed took any disciplinary action against Ex. [REDACTED] for his conduct at the training.

Rule 1.1 defines “retaliation” as a materially adverse action taken because an employee asserted rights protected by Personnel Rule 1.1. The factual findings above show that Ex. [REDACTED] did not assert rights protected by Rule 1.1. when he asked questions during the gender justice training in 2024. By Ex. [REDACTED]’s own account, he did not raise concerns about transphobia at OCR during the training. The findings also confirm that Mohamed’s one text to “tread lightly,” without any other consequences to Ex. [REDACTED], was not a materially adverse action against Ex. [REDACTED] under Rule 1.1. Mohamed did not take any disciplinary action against Ex. [REDACTED] for his comments at the training. Accordingly, Mohamed did not violate Rule 1.1 when she sent her “tread lightly” text to Ex. [REDACTED].

This report completes my investigation.

Respectfully,



Lisa Buehler
Partner, Buehler Trapani LLP

Attachments

TABLE 1
INTERVIEWS

I conducted the following interviews by video conference. Employees with * by their names were represented at their interviews by Matt Edgerton, ProTec17.

Name	Title	Interview Date(s)
Ex. [REDACTED] Ex. [REDACTED] *	Ex. 06D Employment Related Investigation	April 6, 2026
Ex. [REDACTED] Ex. [REDACTED] *	[REDACTED]	April 9, 2026
Ex. [REDACTED] Ex. 06D	[REDACTED]	March 31, 2026
Ex. [REDACTED] Ex. [REDACTED]	[REDACTED]	March 26, 2026
Ex. 06D Ex. 06D	[REDACTED]	March 31, 2026
Ex. [REDACTED] Ex. 06D *	[REDACTED]	April 9, 2026
Ex. 06D Ex. [REDACTED]	[REDACTED]	April 28, 2026
Ex. [REDACTED] Ex. 06D	[REDACTED]	April 14, 2026
Ex. 06D Ex. [REDACTED]	[REDACTED]	April 16, 2026
Ex. 06D Ex. [REDACTED]	[REDACTED]	March 19, 2026
Ex. [REDACTED] Ex. [REDACTED]	[REDACTED]	March 18, 2026
Ex. 06D Ex. [REDACTED]	[REDACTED]	April 15, 2026
Ex. [REDACTED] Ex. [REDACTED]	[REDACTED]	April 6, 2026
Ex. [REDACTED] Ex. 06D *	[REDACTED]	March 23, 2026
Ex. [REDACTED] Ex. [REDACTED] *	[REDACTED]	March 30, 2026
Ex. [REDACTED] Ex. [REDACTED]	[REDACTED]	April 27, 2026
Ex. [REDACTED] Ex. [REDACTED] *	[REDACTED]	April 8, 2026
Ex. 06D Ex. [REDACTED]	[REDACTED]	April 1, 2026

Name	Title	Interview Date(s)
Ex. Ex. 06D	Ex. 06D Employment Related Investigation	March 23, 2026
Ex. Ex. 06D		April 7, 2026
Ex. 06D Ex. 06D*		March 24, 2026
Fahima Mohamed ²⁰	Deputy Director	April 14 and 24, 2026
Ex. Ex. 06D	Ex. 06D Employment Related Investigation	April 3, 2026
Ex. Ex. 06D		April 23, 2026
Ex. Ex.		March 30, 2026
Ex. Ex. 06D		April 9, 2026
Ex. Ex.		April 1, 2026
Ex. Ex.		April 3, 2026
Ex. Ex. 06D		April 8, 2026
Ex. 06D Ex. *		March 26, 2026
Ex. 06D Ex.		April 2, 2026
Ex. 06D Ex.		April 7, 2026
Ex. Ex. *		March 30, 2026
Ex. Ex. *		April 8, 2026
Ex. 06D Ex. *		March 25, 2026
Derrick Wheeler-Smith ²²	Director/OCR	April 27, 2026
Ex. 06D Ex.	Ex. 06D Employment Related Investigation	April 6, 2026
Ex. Ex.		March 26, 2026

²⁰ Angela Rye attended the interview with Mohamed.

²¹ Edgerton and Ex.'s attorney, Jordan Taren, attended the interview.

²² Rye attended the interview with Wheeler-Smith.

TABLE 2
DOCUMENTS REVIEWED AND RELIED ON IN INVESTIGATION

Description	Attachment
December 1, 2025, Union Memo to Mayor-Elect Katie B. Wilson	1
February 2, 2026, email from Mayor's Office to HRIU requesting assessment of allegations	2
February 12, 2026, email from HRIU to ProTec 17 requesting employee names	3
February 12 and 27, 2026, Notices of Investigation from HRIU to Wheeler-Smith, and February 25, 2026, Notice of Investigation from HRIU to Mohamed	4
February 27, 2026, Notice of Investigation from HIRU to OCR employees	5
Calendar confirmation Josh Fields training for the leadership team on April 3, June 25, and September 4, 2025	6
Calendar confirmation of quarterly all staff meeting at Lincoln Park on August 28, 2024	7
Calendar conformation of quarterly all-staff retreat at Wing Luke Museum on August 27, 2025	8
Copies of messages/images that Wheeler-Smith sent Ex. [REDACTED] (provided by Ex. [REDACTED])	9
Copies of messages/images that Ex. [REDACTED] sent Wheeler-Smith (provided by Wheeler-Smith)	10
January 14, 2025, email from Morrison to Mohamed and Wheeler-Smith, recapping discussion regarding HR	11
January 2, 2025, email from Morrison to Ex. [REDACTED] requesting time to talk about employee	12
January 9, 2025, email from Ex. [REDACTED] to Morrison recommending coaching and counseling for Ex. [REDACTED]	13
December 22, 2025, email from the Union to Labor Relations objecting to racial autobiography project	14
January 6, 2026, email from SDHR to Wheeler-Smith regarding the Union's concerns regarding racial autobiography project and Wheeler-Smith's agreement to pause the project	15
Documents reflecting end of Ex. [REDACTED]'s out-of-class position and return to Ex. 06D Employment Related Investigation	16

Description	Attachment
December 17, 2025, email from Ex. Ex. to Mohamed with requested feedback about Ex.	17
February 2, 2026, email from Mohamed to Ex. requesting input on job description	18
Calendar confirmation of gender justice training in January 2024	19
Screen shot from Ex. Ex.'s phone showing the time of "tread lightly" text	20
January and February 2024, "tread lightly" messages between Mohamed and Ex.	21

ADDENDUM

Prepared for: Seattle Human Resources Investigation Unit

Subject: Seattle Office for Civil Rights

Prepared by: Lisa Buehler

Date: June 11, 2026

Response to Subject Derrick Wheeler-Smith's Additional
Evidence and Subject Fahima Mohamed's Request for
Corrections to Final Investigation Report

Subject: Re: HRIU Investigation Report and Closure Notice -378-OCR-2-11-2026 & 390-OCR-2026-2-25
Date: Friday, June 5, 2026 at 4:47:57 PM Pacific Daylight Time
From: Derrick Wheeler-Smith
To: Dennehy, Quinn
CC: Wheeler-Smith, Derrick, angela@impactstrategies.global
Attachments: image001.png

CAUTION: External Email

Hello Quinn,

I am requesting that the investigative report and record be revised to reflect material information that was not considered during the investigation and that directly impacts the accuracy of the findings.

During the investigation, I identified three witnesses who were present for the incident in question and whose testimony was relevant to establishing the facts. Per Lisa Buehler's request, I submitted the contact information for these witnesses and others. To my knowledge, none of these witnesses were contacted or interviewed. As a result, the report reached conclusions without considering testimony from individuals who had direct knowledge of the events. This omission undermines the completeness, reliability, and credibility of the investigative findings. Upon learning that these witnesses had not been contacted, they independently elected to submit sworn affidavits detailing their firsthand observations.

These statements provide material facts that were absent from the investigation and should be incorporated into the final report. In addition, the evidence now before the investigator further confirms that I did not invite Mr. [REDACTED] to the event in question. Rather, I attended only after being invited by Mr. [REDACTED]. Further, after other individuals declined to attend, Mr. [REDACTED] himself stated, "I will go if D goes." This statement is consistent with the fact that I was not the individual who initiated, extended, or facilitated Mr. [REDACTED]'s attendance. The record should also reflect that Mr. [REDACTED]'s credibility is called into question by multiple documented inaccuracies and inconsistencies in his account that have come to light during the course of this investigation.

Accordingly, I respectfully request that the report be amended to include the sworn witness affidavits, correct the factual record regarding the invitation and attendance at the event, and revisit any findings that are inconsistent with the full body of available evidence. Based on the evidence now before the investigator, including the testimony of eyewitnesses who were present, the record should reflect that I was not in violation of Rule 1.1. Ensuring that all relevant witnesses are heard and that material facts are accurately reflected is essential to the integrity and fairness of the investigative process. I appreciate your prompt attention to this request and look forward to confirmation that the affidavits and supporting evidence have been

incorporated into the final report and considered in any revised findings. I have maintained my innocence throughout this process and I still do now.

Please Advise.

Derrick D. Wheeler-Smith
Ex. 05E Personal Information
Employees

"Your legacy is not left in the things you leave behind but in the hearts and lives you touch"
~Jon Gordon

On Wed, Jun 3, 2026 at 12:59 PM Dennehy, Quinn <Quinn.Dennehy@seattle.gov> wrote:

Good afternoon, Director Wheeler-Smith,

Attached, please find a closure notice and a copy of the final report for the investigation regarding allegations made against you by Reporters Ex. 4 Ex. 4 and Ex. 4 Ex. 4 Ex. 4.

Please review the notice and report and let me know if you have any questions or if you would like to schedule a debrief meeting with the investigator to discuss the investigation and report further.

Thank you for your time and participation in this matter.

Sincerely and respectfully,



Quinn Dennehy, J.D., Ed.M.

Senior HR Investigator, Human Resources Investigations Unit (HRIU)

City of Seattle | Department of Human Resources

Quinn.Dennehy@seattle.gov

Pronouns: He/Him/His

HRIU UNDERSTANDS. You can learn more about the Human Resources Investigations Unit (HRIU) - [HERE](#)

June 5, 2026

To Whom It May Concern:

My name is Ex. [REDACTED] Ex. [REDACTED]. In 2023, I participated in an event in Alabama with the City of Seattle. One evening, after the day's activities had concluded, several participants gathered and socialized in one of the hotel rooms. I chose to visit some local bars and nightclubs, including an adult entertainment establishment. I extended an invitation to anyone who wished to join me.

As it was Ex. [REDACTED] Ex. [REDACTED]'s birthday, he accepted my invitation. Derrick Wheeler-Smith also accepted the invitation that I extended. If you have any additional questions, please feel free to contact me at Ex. 06D Employment Related Investigation

I declare under the penalty of perjury that the foregoing is true and correct, dated this day June 5, 2026.

Sincerely,

Ex. [REDACTED] Ex. [REDACTED]

Ex. 06D Employment Related
Investigation

To Whom It May Concern,

I am writing to provide, to the best of my recollection, an account of events that occurred during a trip organized by the Seattle Office for Civil Rights in January 2023.

I was invited to participate in the trip by Seattle Office for Civil Rights Director Derrick Wheeler-Smith in my capacity as Ex. 06D Employment Related Investigation

Ex. 06D The group included representatives from several organizations and offices, including Community Passageways, the Office of Mayor Bruce Harrell, and the Seattle Office for Civil Rights.

My role was to document and chronicle the experience for Ex. 06D Employment readers, which I later did in a published column.

The trip lasted approximately four days and was hosted by the Empower Initiative. Much of the itinerary involved visits to civil rights landmarks and historic sites, including the Edmund Pettus Bridge, the Legacy Museum, and the Alabama State Capitol.

On the night of the final full day of the trip, which I believe was a Thursday, I was in Ex. Ex. 06D's room with several male members of the Seattle delegation, including Mr. Wheeler-Smith and Ex. Ex. During that gathering, another member of the delegation suggested that the group go to a strip club to celebrate Mr. Ex.'s birthday. I indicated that I would not be attending. I explained that I had recently begun dating someone and also felt it would be unwise for me to attend in my capacity as a journalist because of the potential perception it could create.

Mr. Ex. 06D also declined to participate, but everyone else who chose to go appeared to be in good spirits and looking forward to celebrating Mr. Ex.'s birthday.

After the others departed to get ready, Mr. Ex. 06D and I remained in his room for approximately 30 minutes discussing the trip. During that time, Mr. Ex. 06D received a phone call from Mr. Ex. encouraging him to join the others in going to the gentleman's club. After a brief conversation, Mr. Ex. 06D again declined. From what I observed, the exchange appeared friendly and good-natured.

The following morning, I attended the final session hosted by the Empower Initiative, which consisted of a group reflection and discussion about lessons learned during the trip. Although I saw the individuals who had attended the outing the previous evening, there was no discussion in my presence about what had occurred at the gentlemen's club. Based solely on my observations, those who attended appeared to interact normally with one another.

Several weeks later, while fact-checking my article about the trip, I spoke with Mr. Wheeler-Smith. During that conversation, he noted that he was mindful of how the outing might be perceived by others, notwithstanding his view that it occurred during personal time and outside the scope of the trip's official activities.

That was the last time I spoke about the outing with either Mr. Wheeler-Smith or Mr. Ex. .

The above represents the full extent of my personal knowledge regarding the outing and the events surrounding it.

Sincerely,

Ex. 06D Ex. 06D
Employee Employee

Ex. Ex. 06D Ex.

June 4, 2026

To Whom it may concern,

In January 2023, I participated in a Alabama field trip with Seattle Office of Civil Rights employees and other community participants for a journey through historical landmarks, including Equal Justice Initiative. There were approximately 10-15 participants on this trip, including SOCR Director, Derrick Wheeler-Smith and Dep. Director Fahima Mohamed. Each day was a different adventure, exploring the depths of African – American experiences in the deep south. I remember distinctly, one evening, after returning from an outing, and after dinner, a small group of participants ended up in my hotel room with a plan to play dominoes and board games for the evening. While there, and discovering we had no dominoes, Ex. 06D realized it was Ex. 06D's birthday and suggested to the group that we go to a strip club to celebrate. Both myself, and Ex. 06D chose not to go, but the rest of the group decided to go without us. I remember Ex. 06D kept asking me to change my mind and insist that I go, which I declined and remained in my hotel room with Ex. 06D for the remainder of the evening.

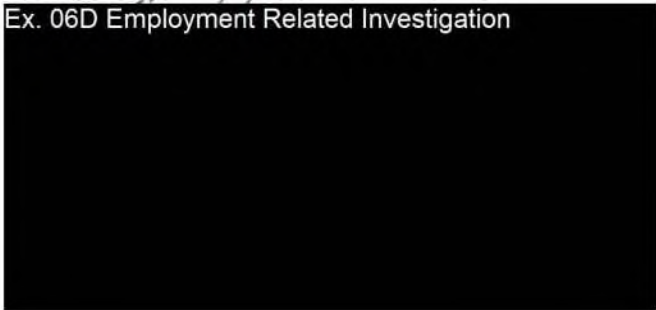
At no time did I see anyone, especially Derrick Wheeler-Smith, suggest others to go to the strip club that evening. Except for Ex. 06D and I, the rest of the males were eager to go as they discussed who were all going for the purpose of how many could fit into an Uber for transportation.

If you have any questions, please feel free to contact me.

I declare under the penalty of perjury that the foregoing is true and correct, dated this day June 4, 2026.

Sincerely,

Ex. 06D Employment Related Investigation



Buehler



Trapani LLP

WORKPLACE AND CAMPUS INVESTIGATIONS

MEMORANDUM

To: Seattle Human Resources Investigation Unit

Subject: Response to Rebuttal Evidence Submitted by
Subject Derrick Wheeler-Smith

Prepared by: Lisa Buehler

Date: June 11, 2026

On June 3, 2026, Buehler Trapani LLP (BTLLP) prepared a Final Investigation Report (Report) in the investigation into the conduct of Subject Derrick Wheeler-Smith, Director of the Seattle Office of Civil Rights (OCR). Wheeler-Smith received a copy of the Report.

On June 5, 2026, Wheeler-Smith submitted to Seattle Human Resources Investigation Unit (HRIU) his response to the Report (Attached, below). Specifically, Wheeler-Smith submitted rebuttal information to the findings in Section VII.B, Issue 2, of the Report, specifically, that Wheeler-Smith violated Rule 1.1, sexual harassment, by taking Ex. 06D Ex. Ex. to a strip club on a work trip (Report, at 19). Wheeler-Smith sent written statements from three members of the community in support of his rebuttal that he did not invite Ex. to go to the strip club. HRIU asked BTLLP to consider the new information and determine whether the information impacted the findings in the Report.

This Memorandum includes a summary of the rebuttal information and my analysis that the information does not impact the factual and policy findings of the Report. The Memorandum and attached documents should be considered in addition to the full findings in the Report.

Wheeler-Smith submitted written statements from Ex. 06D Ex. Ex. Ex., and Ex. Ex. 06D, community members who attended a trip to Birmingham, Alabama trip in January 2023, with Wheeler-Smith and Ex. (Attached below). In his written statement, Ex. said that during the trip, he invited Ex., Wheeler-Smith, and "anyone who wished to join" him to an adult establishment to celebrate Ex.'s birthday. Ex. said that Ex. and Wheeler-Smith accepted his invitation.

In his written statement, Ex. said that Ex. invited the group to go to a strip club to celebrate Ex.'s birthday. Ex. said he decided it was "unwise" for him to attend given his role as a Ex. 06D and the "perception" it could create so he declined. Ex. said that Ex. 06D also declined. Ex. said that Ex. called Ex. 06D 30 minutes later and encouraged him to go to the strip club. According to Ex., Ex. interacted normally with the other members of the group the next morning.

Ex. 06D wrote that Ex. invited the group to a strip club to celebrate Ex.'s birthday, but Ex. 06D declined. He wrote that Ex. "kept asking" Ex. 06D to change his mind and insisted that he go the strip club. Ex. 06D said that Wheeler-Smith did not "suggest" that the others go to the strip club.

As a preliminary matter, I evaluated the reliability of the witness statements that Wheeler-Smith submitted. The witnesses wrote about events that occurred three and a half years ago, calling into question the accuracy of their statements and whether they relied on information from Wheeler-Smith in preparing the statements. Given the consistency of the three witness statements, and the fact that none of the three individuals were parties to the investigation, I determined that the statements were reliable and that they resolved a single factual issue in the investigation. Specifically, the statements show that Wheeler-Smith likely did not initiate the invitation to Ex. to go to a strip club or surprise Ex. by taking him to a strip club in January 2023, as Ex. alleged. Ex. said, and Ex. and Ex. 06D confirmed, that Ex.

invited the group, including Ex. [redacted] and Wheeler-Smith, to a strip club to celebrate Ex. [redacted]'s birthday.

The fact that Wheeler-Smith did not explicitly invite Ex. [redacted] to the strip club did not negate my findings in the Report that Wheeler-Smith's conduct in going to a strip club, on a work-related trip, created social and professional pressure on Ex. [redacted] to accompany Wheeler-Smith. To the contrary, the witness statements support the findings in the Report and the reliability of Ex. [redacted]'s statements that he felt compelled to go to the strip club. Ex. [redacted] invited the group of men to a strip club to celebrate Ex. [redacted]'s birthday, which put pressure on Ex. [redacted] to accept so that others could attend. Ex. [redacted] and Ex. 06D [redacted] declined to go to the club, but Ex. [redacted] was the only subordinate employee whose supervisor was present, and, therefore, was in the unique position to feel professional pressure to accompany his supervisor to the club. The witness statements show that Wheeler-Smith did not object to going to a strip club, did not express any concern about the optics of attending a strip club, and did not ask Ex. [redacted] if he felt comfortable going to the club. Wheeler-Smith's actions in participating in the outing acted as an endorsement of the activity and created pressure for his subordinate employee to accompany Wheeler-Smith to the club.

The new witness statements did not negate or impact the findings in the Report that, regardless that Wheeler-Smith did not initiate the invitation to the strip club, Ex. [redacted] felt compelled to accompany Wheeler-Smith. Where the new witness statements otherwise clarified or contradicted the parties' statements, I did not rely on such statements to make my findings. For example, I did not rely on Ex. [redacted]'s allegation that Wheeler-Smith surprised him by taking him to a strip club in making my findings in the Report and this contradiction does not now impact my findings. The new witness statements also contradicted Wheeler-Smith's interview statement that he went to the strip club because Ex. [redacted] said he would only go to the strip club if Wheeler-Smith went. I determined that Ex. [redacted]'s alleged statement could just as reasonably be interpreted as a signal to Wheeler-Smith that Ex. [redacted] was reluctant to go, as it could be interpreted as an attempt to pressure Wheeler-Smith to attend. Accordingly, Ex. [redacted]'s alleged statement did not weaken or strengthen my findings. Therefore, the elimination of these contested statements from my analysis does not change my findings.

Similarly, the allegation that Ex. [redacted] repeatedly asked Ex. 06D [redacted] to go to the club does not refute the evidence that Ex. [redacted] did not initiate the outing nor does it outweigh the evidence outlined in the Report that Ex. [redacted] reasonably felt pressure to go to the strip club with his supervisor, who endorsed the activity by attending. Ex. [redacted] may have had many reasons for wanting Ex. 06D [redacted] to attend the strip club that did not negate that Ex. [redacted] felt pressure from Wheeler-Smith and others to go to the strip club.

In sum, Wheeler-Smith's rebuttal evidence that he did not initiate the invitation to Ex. [redacted] and others to go to a strip club does not negate the finding that Wheeler-Smith readily participated in going to the strip club, with no encouragement, and, by doing so, endorsed the activity. Wheeler-Smith's conduct, given his supervisory role with Ex. [redacted] while on a work-related trip,

created implicit pressure for Ex. to accompany his supervisor to the strip club, where he experienced a sexually-inappropriate environment.

Subject: HRIU Investigation Report and Closure Notice - ###-DEPT-2026-#-##
Date: Thursday, June 4, 2026 at 4:33:40 PM Pacific Daylight Time
From: Fahima Mohamed
To: Dennehy, Quinn
CC: Mohamed, Fahima, angela@impactstrategies.global
Attachments: IMG_5781.PNG, IMG_5774.PNG

CAUTION: External Email

Hi Quinn,

Thank you for sending this information. I am glad that these false allegations against me have been cleared.

However, I have some concerns regarding discrepancies in the report that I would like corrected for the record.

First, I submitted screenshots of text messages to Lisa showing when I sent the messages to Ex. [REDACTED]. Those screenshots do not appear to have been included in the report. Instead, the report references when Ex. [REDACTED] received the messages which was a different time then when I sent them to him. I would like the information I provided to be included so that my perspective and the complete timeline are accurately reflected.

Second, I noticed that Reed was misgendered in the report. During my interview, I consistently referred to Reed using they/them pronouns. However, the report uses he/him pronouns. Given that I was accused of intentionally misgendering staff, I believe it is important that the record accurately reflect the language I used during my interview.

Lastly, I am seeking clarification regarding how witnesses were selected for interviews. During both of my interviews with Lisa, I specifically suggested that she speak with Ex. [REDACTED] Ex. [REDACTED] regarding the allegation that I reprimanded, retaliated against, or discouraged staff from going to HR. Ex. [REDACTED] was at the center of this issue and could have provided relevant information about her direct experiences working with me. In fact, I encouraged Ex. [REDACTED] not only to contact HR but also to reach out to her union representative if she felt she needed additional support. I believe Ex. [REDACTED] could have corroborated this information, and I am curious why she was not interviewed after I named her a witness to the allegation against me.

Additionally, Angela, who is copied on this email, was present for both of my interviews and can verify that I raised these concerns and provided this information during the investigation process.

I have attached the screenshots of the text messages to this email and am requesting that this information be added to the report.

I would be happy to meet with you to discuss these concerns further. Please let me know the best way to proceed.

Thank you for your time and attention to this matter.

Thanks,

Fahima Mohamed





On Wednesday, June 3, 2026, Dennehy, Quinn <Quinn.Dennehy@seattle.gov> wrote:

Good afternoon, Ms. Mohamed,

Attached, please find a closure notice and a copy of the final report for the investigation regarding allegations made against you by Reporters Ex. [REDACTED] Ex. [REDACTED] and Ex. [REDACTED] Ex. [REDACTED].

Please review the notice and report and let me know if you have any questions or if you would like to schedule a debriefing to discuss the investigation and report further.

Thank you for your time and participation in this matter.

Sincerely and respectfully,



Quinn Dennehy, J.D., Ed.M.

Senior HR Investigator, Human Resources Investigations Unit (HRIU)

City of Seattle | Department of Human Resources

Quinn.Dennehy@seattle.gov

Pronouns: He/Him/His

HRIU UNDERSTANDS. You can learn more about the Human Resources Investigations Unit (HRIU) - [HERE](#)

Buehler



Trapani LLP

WORKPLACE AND CAMPUS INVESTIGATIONS

MEMORANDUM

To: Seattle Human Resources Investigation Unit

Subject: Response to Rebuttal Evidence Submitted by
Subject Fahima Mohamed

Prepared by: Lisa Buehler

Date: June 11, 2026

On June 3, 2026, Buehler Trapani LLP (BTLLP) prepared a Final Investigation Report (Report) in the investigation into the conduct of Subject Fahima Mohamed, Deputy Director of the Seattle Office of Civil Rights (OCR). Mohamed received a copy of the Report.

On June 4, 2026, Mohamed submitted to Seattle Human Resources Investigation Unit (HRIU) her response to the Report (Attached, below). She asked for several corrections to the Report. This Memorandum summarizes Mohamed's request and my responses.

1. Time of Mohamed's Text Messages to Ex. [REDACTED]

Mohamed stated that I did not include the time that she sent her January 9, 2024, text messages to Ex. 06D [REDACTED] Ex. [REDACTED] Ex. [REDACTED]. I included screen shots of those text messages in Attachments 20 and 21, which confirm that Mohamed sent Ex. [REDACTED] four text messages on January 9, 2024. She sent Ex. [REDACTED] the first three messages at 12:15 PM and sent the fourth message at 12:58 PM. Accordingly, I did not make any changes to the Report in response to this issue.

2. Misgendering of Reed Steberger

Mohamed stated the Report misquoted her as using he/him pronouns for Reed Steberger, a former OCR employee who used they/them pronouns. My interview notes reflect that Mohamed referred to Steberger with both they/them and he/him pronouns during her investigative interview, which is reflected in the Report in a discussion of an issue that did not relate to misgendering. I did not investigate or make findings on whether Mohamed misgendered employees at work and nothing in the Report states or implies that she did. Accordingly, I did not make any changes to the Report in response to this issue.

3. Ex. [REDACTED] Ex. [REDACTED] Interview

Mohamed stated that I did not interview Ex. [REDACTED] Ex. [REDACTED] on the issue whether Mohamed took reprisal against employees for speaking to Human Resources. I determined that Mohamed did not threaten employees with reprisal for speaking to HR (Section VII.C, Issue 3). I interviewed Ex. [REDACTED] on March 30, 2026, but did not rely on her interview to make my findings on Issue 3. Accordingly, I did not make any changes to the Report in response to this issue.