

Investigator Standards

February 19, 2020

The following are draft standards for independent investigators as required under Sec. 6(1) of enrolled HB 3377 (2019).

(1) Definitions.

- a. “Investigation” means providing investigative services required under Sec. 6(1) of enrolled HB 3377 (2019) including receiving reports, gathering information, conducting interviews, report writing, and collecting evidence for the purposes of coming to factual findings related to a complaint or incident.

(2) Eligibility to act as an investigator.

- a. Any individual who performs an investigation must meet one of the following eligibility requirements:
 - i. Meet requirement(s) of licensure under ORS 703.405; or
 - ii. Meet one of the following exceptions under ORS 703.411:
 - 1. A person employed by the Legislature to conduct investigations; or
 - 2. An attorney admitted to practice law in Oregon.

(3) Training requirements.

- a. Any individual who performs an investigation must receive a total of 12 hours of annual training on the following topics:
 - i. Conducting investigations;
 - ii. Conducting investigations involving claims of sexual harassment; and
 - iii. Conducting trauma-informed investigations.
- b. Any individual who performs an investigation must annually attend one of the two-hour quarterly trainings offered by the Legislative Equity Office.

(4) Standards for investigation.

- a. Any individual who performs an investigation must employ:
 - i. Evidence based and trauma-informed interview techniques;
 - ii. Timely best practices in investigations; and
 - iii. Interview and report writing techniques that mitigate the impacts of personal bias.

(5) Report writing.

- a. Any independent investigator contracted with the Legislative Branch to provide services related to investigations must write their draft and final reports using the template report provided by the Legislative Equity Office.
- b. The Legislative Equity Office shall develop a template report and provide the template to all investigators contracted through the office.

(6) Documentation.

- a. Independent investigators are responsible for creating and maintaining records that establish that they meet all investigative requirements and standards established by the Legislative Branch.
- b. Independent investigators must provide documentation and records related to these standards and requirements upon request to the Legislative Equity Office.
- c. Independent investigators are responsible for providing additional information for the purposes of updating records related to this rule held by the Legislative Equity Office.