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## **ARA 6.01 OMBUDSMAN'S OFFICE POLICIES AND PROCEDURES**

### **A. Purpose**

This rule sets forth policies and procedures for the City of Portland's Ombudsman's Office. The Ombudsman's Office serves as an independent advocate for a fair, reasonable, equitable, and just City government. The primary work of the Ombudsman's Office is investigating and resolving complaints involving City of Portland agencies.

### **B. Authority**

Charter Section 2-506 authorizes the Auditor's Office to adopt, amend, and repeal administrative rules to carry out the Auditor's Office's duties.

In addition, [Code Section 3.77.110 H.](#) authorizes the Ombudsman to adopt, amend, and rescind rules and regulations required for the discharge of the Ombudsman's duties.

### **C. Intake and complaint handling**

1. The Ombudsman's Office accepts complaints by online form, telephone, email, in person or by mail.
2. Complaints may be filed anonymously.
3. If a complainant requests that their name, contact information, and identifying details be kept confidential, the Ombudsman's Office will treat the information as confidential and exempt from public disclosure under ORS 192.355(4) unless ordered to disclose it under the law, or if the complainant subsequently withdraws the request.
  - a. In some cases, the Ombudsman's Office cannot assist the complainant without sharing information such as their name or contact information with City staff outside of the Auditor's Office. The Ombudsman's Office will explain this to complainants who request confidentiality. If the complainant agrees to disclosure of their name and/or contact information for purposes of resolving their complaint, the Ombudsman will disclose such information only to those within the City who strictly need to know it for purposes of resolving the complaint. In such



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circumstances, the Ombudsman will, to the extent permitted by law, maintain the confidentiality of the complainant's name and contact information with respect to other persons, so long as the Ombudsman believes the public interest would suffer by the disclosure.

- b. The Ombudsman's Office reserves the right to determine which details about a complainant are ones that tend to identify their identity.
4. The Ombudsman's Office conducts an intake review for each complaint received. Intake screening includes, but is not limited to, an assessment of the Ombudsman's Office's jurisdiction, the Ombudsman's Office's workload capacity, available alternative avenues for the complainant to pursue, issue priority, and complexity.
5. When the Ombudsman's Office accepts a complaint for assistance, the Office may conduct an independent and impartial investigation, or attempt to resolve the issue through facilitation. The Ombudsman's Office has the discretion to determine which course of action is appropriate for a given complaint.
  - a. The investigation of complaints is described in [Charter Section 2-509](#) and [Code Chapter 3.77](#).
    - i. Through an investigation, the Ombudsman seeks to determine whether the complaint is substantiated or unsubstantiated based on the evidence.
    - ii. If the Ombudsman's Office determines that a complaint is substantiated, it generally makes recommendations to the relevant bureau(s). The Ombudsman's Office might decide to report the recommendations publicly, where warranted.
    - iii. The Ombudsman's Office may discontinue an investigation before completion if the Office determines that further involvement is unnecessary, unwarranted, or impossible.
  - b. Facilitation may include steps such as explaining the status of the bureau's administrative act to the complainant, expediting bureau consideration or action, or helping the complainant to access the appropriate process to resolve their issue. Complaints that are most appropriately resolved through facilitation include those where:



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- i. There appears to be an unreasonable delay in service;
    - ii. The complainant's prior resolution attempts have been unsuccessful;
    - iii. The complaint involves more than one City bureau; and/or
    - iv. The complainant needs special assistance, for example due to practical obstacles such as lack of internet access.
  6. Reasons the Ombudsman's Office may decline to investigate a complaint are described in Code Chapter [3.77.120](#).
    - a. If the complainant has not yet brought the complaint to the attention of the bureau or has not yet pursued other available administrative remedies, the Ombudsman's Office normally refers the matter to the relevant bureau or office to give the bureau or office an opportunity to resolve the problem.
    - b. Complainants may re-contact the Ombudsman's Office if, after going through the bureau's normal complaint resolution mechanism or other available grievance or appeal process, they feel they have been treated unfairly or the result was unjust.
    - c. Where appropriate, the Ombudsman's Office may suggest that complainants seek assistance through an elected official's office, such as a City Councilor or the Mayor.
    - d. If bureau staff and/or staff from a City Councilor's or the Mayor's office have been contacted but have not yet responded, the Ombudsman's Office may coordinate among various parties to avoid duplication of effort.
  7. Generally, the Ombudsman's Office will refer complaints about another division of the Auditor's Office to another authority because of the potential for an actual or perceived conflict of interest and/or a lack of sufficient structural independence.
  8. Generally, the Ombudsman's Office will refer reports of suspected fraud, waste, or misuse of City resources or abuse of position by City employees to the Auditor's Office's [Fraud Hotline](#).



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See [Auditor's Office Administrative Rule 10.01 – Fraud Hotline](#) for more information about the Fraud Hotline.

#### **D. Accessibility**

The City of Portland, including the Ombudsman's Office, ensures meaningful access to City programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request these services, contact 503-823-0144, City TTY 503-823-6868, Relay Service: 711.

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#### **Auditor's Office Administrative Rule Information**

Questions about this administrative rule may be directed to the [Ombudsman's Office](#).

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#### **Auditor's Office Administrative Rule History**

Approved by City Auditor and filed for inclusion in PPD on October 1, 2003.

Revision approved by City Auditor and filed for inclusion in PPD on February 9, 2016.

Revision approved by City Auditor and filed for inclusion in PPD on February 9, 2016.

Administratively renamed ARA-6.01 on December 6, 2022.

Amended by the City Auditor on April 10, 2024, after a minimum 30-day public comment period.