



Statement of Jenny R. Yang on the Report of the Independent Investigation Into Allegations of Harassment and Related Misconduct Against J. David Cox

March 19, 2020

Today, the American Federation of Government Employees (AFGE) published the Report of the Independent Investigation Into Allegations of Harassment and Related Misconduct Against J. David Cox, prepared by Working IDEAL. You may download a copy here: workingideal.com/afgeinvestigation.

AFGE's National Executive Council (NEC) tasked Working IDEAL with conducting an independent, thorough, and impartial investigation of allegations of misconduct by J. David Cox, evaluating AFGE's policies and practices related to preventing and responding to workplace harassment, and making recommendations for AFGE to strengthen its workplace. As part of Working IDEAL's investigation, the team conducted over 70 interviews and reviewed about 3,500 emails, along with a range of documents, including written policies and procedures.

We extend our gratitude to all those individuals who came forward to speak with us and provide valuable information relevant to this investigation. Notably, everyone in AFGE leadership with whom we requested an interview cooperated – with the exception of Cox – who, through his counsel, did not respond to multiple requests to participate in or provide information to this investigation. Working IDEAL took significant steps to ensure an independent, thorough, and impartial investigation, including making our own independent judgment of the facts. No one at AFGE dictated with whom we spoke, what information we considered, or how we managed the investigation.

We have concluded that a number of serious allegations concerning Cox's actions are supported by credible and detailed evidence including that:

- Cox subjected Brett Copeland to inappropriate sexual behavior leading to Copeland's resignation.
- Cox subjected Rocky Kabir to unwanted physical contact, and repeatedly made sexual comments and derogatory comments about Kabir's religious affiliation.
- Cox subjected additional AFGE staff, members, and others with whom he interacted while on AFGE business to inappropriate sexual comments and behaviors as well as verbal abuse and belligerent behavior.
- Current and former employees were reluctant to raise concerns about Cox's conduct, due to fears of retaliation and a lack of an organizational response to concerns that were raised.

Our investigation also documented broader concerns about AFGE’s equal employment opportunity (EEO) infrastructure, practices, and organizational culture. The investigation revealed gaps in the organization’s mechanisms for reporting and responding to allegations of harassment and misconduct, and a perception by employees that the organization tolerated harassment and bullying.

- AFGE’s written EEO and complaint policies and constitutional procedures – and their implementation – left few checks on the power of the President. These organizational shortcomings hindered AFGE’s ability to learn the full extent of Cox’s misconduct and to hold him accountable.
- Although no senior leader knew the full picture of sexual and other inappropriate behavior by Cox, some allegations of Cox’s misconduct toward staff were known to a few people in headquarters senior management at the time. Some members of leadership did not credit reports or discounted them based on their source. Decisions made by senior managers not to pursue further investigation in some cases hindered AFGE from effectively learning about and responding to Cox’s conduct.
- Other factors that affected AFGE’s response include organizational risk factors, such as a perceived tolerance for inappropriate sexual jokes and disrespectful conduct, along with an absence of guidance addressing topics such as responsible alcohol use and intimate supervisor and subordinate relationships, and a lack of action by senior management where potentially problematic behavior did not violate a specific policy.
- Ultimately, AFGE’s systems and practices were not sufficient to ensure the NEC had adequate notice of problems or sufficient mechanisms to provide effective oversight in cases of Presidential misconduct.

We recognize the significant challenges an organization confronts when addressing inappropriate behavior by its leader. The issues with AFGE’s existing systems for addressing Cox’s misconduct provide important lessons. The Report provides recommendations and examples of best and promising practices, which include: 1) a leadership commitment to building a harassment-free and inclusive workplace; 2) strengthening EEO policies and reporting mechanisms; 3) ensuring effective accountability structures; 4) addressing gaps in formal policies and procedures; 5) expanding and formalizing training; and 6) developing a transparent process to report on AFGE’s progress in implementing reforms.

Although Working IDEAL initially contemplated conducting a broader culture and climate assessment, we recommend that AFGE work with a new entity as it continues to strengthen its organizational practices and culture. This will help to facilitate a clear end to the investigation process and assist in protecting the sensitivity of information shared during the investigation. We appreciate the NEC’s efforts to take action on these recommendations and respond to the issues identified during this investigation.

Contact the investigation team at afge-inquiry@workingideal.com / 202-446-1897.