



Community and Workplace Culture Committee

Updates to the EEO Complaint & Investigative Procedures for the Board & its Direct Reports



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Item 6c
July 07, 2025

Item # 6c:
EEO Complaint &
Investigative
Procedures for
the Board & its
Direct Reports

Subject

Inform Board of updates made to the EEO Complaint & Investigative Procedures for the Board & its Direct Reports to promote consistency, legal alignment and transparency in the investigative process.

Purpose

Informational update.

Request:

Remove EEO Office Conflict of Interest for GM cases

Authority

The following circumstances are exceptions to the EEO Officer's jurisdiction over EEO complaints:

- 1) When the EEO Officer or a member of the EEO staff is a party to the complaint.
- 2) When a family member of the EEO officer or a member of the EEO staff is a party to the complaint.
- 3) When, in the judgment of the EEO Officer, the matter should be handled by the Ethics Office, General Counsel and/or outside counsel to avoid real or perceived conflicts of interest, or to avoid potential bias or threats to impartiality.

For the situation described above, the Ethics Office, General Counsel and/or outside counsel will oversee the complaint and investigation process, including retaining an external investigator to conduct a fact-finding EEO investigation pursuant to these Procedures.

Clarity: Interim Measures

Interim Measures

- Interim measures, including administrative leave, are non-disciplinary in nature and do not constitute a finding of misconduct.
- While interim measures typically apply to the respondent, limited exceptions may be made under extenuating circumstances where alternative arrangements are necessary to protect all parties or to ensure the integrity of the process.

Removing Interim Measures

Clarity: Interim Measures (cont.)

- Once a determination is made that an interim measure is no longer required, such as at the conclusion of the investigation, the EEO Office will advise the ad hoc subcommittee in writing of the rescission of the interim measure.

Clarity: Responsiveness & “Firewall”

Investigation

- All Metropolitan employees and Board Members are required to cooperate with EEO investigations, which includes, but is not limited to, responding to EEO investigators, participating in interviews and providing relevant documentation.
- Individuals involved in an investigation, including Board Members and Direct Reports, are strictly prohibited from unfairly influencing a decision or the outcome of an investigation or gaining access to confidential information that could impact the fairness and impartiality of the EEO process.

Notification of Investigations

Request: Representation

- The **respondent** will be notified that an EEO AC complaint has been made against them, the protected class basis upon which the matter is being investigated applicable to the respondent, and the assigned case investigator's name. It will also include a courtesy reminder of their option to have representation during their respondent interview.

Clarity: Confidentiality

Confidentiality During the Investigation Process

- All participants in an investigation are encouraged to refrain from publicly disclosing their participation in an investigation or the substance of their participation, and unnecessarily discussing or sharing information about the investigation with any other Metropolitan Board Member or employee.

Request:
EEO & Legal
Guidance for
EEO Ad Hoc

Post-Investigation Action (Substantiated Findings)

The EEO Officer and, as appropriate, Legal Counsel, will provide procedural and legal guidance to the Subcommittee to support its consideration of recommended post investigation actions consistent with these Procedures.

Request: Reconciliation Services

Restorative Justice Reconciliation Program

In order to create an environment and culture at Metropolitan centered on trust, accountability, and effective communication, the EEO Office may, in its discretion, elect to utilize a neutral mediator and teambuilding facilitator at any time during or after the EEO complaint/investigative process to create a collaborative working environment.

The Restorative Justice Reconciliation Program is not in lieu of conducting an investigation, but serves as a supplemental resource for parties participating in the investigative process.

Request: Reconciliation Services (cont.)

Restorative Justice Reconciliation Program

The mediator can be used to:

- Facilitate and mediate conflict resolution meetings between individuals and or teams as needed;
- Provide individual coaching to Directors, Managers, and staff as needed;
- Support the Board with creating inter-department communication norms and working agreements; and
- Facilitate workshops that specifically address morale and performance to include but not limited to: Restorative Justice, Conflict Resolution, Cultural Diversity, Workplace Culture, and Team Building.

Restorative Justice Reconciliation Program

Request: Reconciliation Services (cont.)

The EEO Office will inform parties of their option to utilize this service in their respective determination letters.

Where to Access EEO Complaint & Investigative Procedures for the Board and its Direct Reports

Access:

Where to Find EEO Procedures

- The updated Procedures are available on the Board of Directors' Portal.
- Hard copies may be requested from the Chief EEO Officer or Board Executive Officer.
- The Procedures outline expectations, rights, and responsibilities for all Board Members and direct reports involved in the EEO process.
- For questions, contact the Chief EEO Officer.

Update to EEO Procedures

Questions?

