



Response to Public Statements Regarding Legal's Alleged Involvement in Shaw Law Group Investigations

General Counsel Report
Board Meeting
March 8, 2022

Allegations in Public Statements

- *Legal has relentlessly interfered in the Shaw Law Group investigations*
- *Legal has obstructed and delayed the release of investigation results to the Board and the public*
- *Legal's actions "border on/are criminal"*
- *Legal has brought back SLG to rewrite investigation results*
- *Memos were sent that had "language that was changed" [from the SLG reports]*
- *There has been an attempt to cut off SLG's funding*

These statements are false.

Legal's Response

- In Nov. 2020, the Board authorized the Ethics Officer to contract with outside counsel [Shaw Law Group] to address EEO concerns.
 - The Board directed the Ethics Officer to direct the work without involvement of management or Office of the General Counsel personnel.
 - The Ethics Officer and SLG entered into a contract; Ethics oversaw the work.
 - Resulted in July 2021 climate assessment report.
 - Legal did not oversee the work and was not involved in the report.
- In March and Aug. 2021, the Board authorized the Ethics Officer's request for funds for SLG to conduct EEO investigations.
 - The Ethics Officer and SLG entered into task orders; Ethics oversaw the work.
 - Resulted in Aug. 2021 fact reports and Sept. 2021 policy/recommendation reports.
 - Ethics arranged for privileged reports, not subject to public release.
 - Legal did not oversee the work and was not involved in the reports.

Legal's Response

- In Jan. 2022, the Ethics Officer reported at OP&T Committee:
 - **The Ethics Office ensured these investigations were conducted independently, in an objective and fair manner.**
 - The role of the Ethics Office in coordinating the investigations ended when the completed reports were provided for final resolution on Sept. 24th [2021] to an Assistant General Manager overseeing EEO.
 - The AGM raised some questions, but reports remained the same and the AGM sent notification of the outcome to those involved.
- The full SLG investigation reports could have been provided to the Board confidentially in Aug. 2021 and Sept. 2021 when completed.
 - Legal has never stated otherwise.
 - The timing of providing reports to the Board was others' decision.
- Ethics approved payment of SLG invoices and made the decision to end the contract.

Legal's Response

- SLG has never reported to or received direction from Legal.
- Legal has not interfered in the investigations.
- Legal has not changed SLG's reports or results.
- Legal has not sent memos changing language in SLG's reports.
- Legal has never prevented the Board's receipt of SLG's reports.
- Legal is not the decision-maker as to public release of the privileged investigation reports.

