

Audit & Ethics Committee



Discussion on revising process for EEO investigations of directors and department heads

Item 6a

October 25, 2022

Background

Ethics Office's role in EEO issues

- 2009: *Admin Code change*
- 2018-2019: *Ethics Code Revisions*
- 2020-2021: *Shaw Law Group Projects*
- 2022: *Ad Hoc Subcommittees*

EEO for
Directors
and Dept
Heads

Ad Hoc Subcommittee Process (2022)

- ✓ Multiple subcommittees
- ✓ Operational duties
- ✓ Unspecified procedures

EEO for Directors and Dept Heads

Proposal

- ✓ One subcommittee
- ✓ Separate operational duties
 - EEO Officer
 - Subcommittee
- ✓ Procedures (TBD)

Distinctions

Employees, Dept Heads, Directors

- Job rights
- Public information

Ethics/EEO Rules

- Abuse of authority
- Harassment

Steps



Investigations

Fair Process

1. Prompt
2. Impartial and objective
3. Consistently applied
4. Adequate notice
5. Opportunity to be heard

Examples

- *Notice of allegations*
- *Prompt investigation*
- *Fact-finding/policy finding*
- *Access to information*

Examples

Notice of allegations

1. Why is it important?
2. How is it addressed?

Ethics: 30 days with notice of specific allegations

EEO: Promptly, but not to exceed 5 business days of EEO's acceptance

Examples

Prompt investigation

1. Why is it important?
2. How is it addressed?

Ethics: 180 days with exceptions

EEO: 90 business days barring extenuating circumstances

Fact-finding /policy finding

Examples



Ethics: Separate fact-finding from policy-finding

EEO: Investigator follows facts and determines findings based on facts, reviewed by EEO Officer and outside counsel

Examples

Access to information

1. When is it important?
2. How is it addressed?

Ethics: Before final decision, respondent gets access to evidence and analysis

EEO: Prior to imposition of discipline, respondent receives report that contributed to discipline.

