

Audit & Ethics Committee



Proposed Amendments to Administrative Code Sections 2131 & 2416, and EEO Investigative Procedures for the Board and its Direct Reports

Item 7-1

November 8, 2022

Administrative
Code Section
2131

Proposed Changes to Prohibition of Discrimination, Harassment and Retaliation by Directors

- Standard update to current legal standards and best practices
 - Updated protected characteristics
 - Added definitions
 - Included examples of harassment

Proposed Changes to Duties and Functions. [Executive Committee]

Administrative Code Section 2416 (f, 5)

- Create 1 year standing EEO ad hoc subcommittee
- 3 board members, 2 alternates
- Select external law firm for subcommittee to provide guidance on post investigation action, as needed

Proposed Changes to Duties and Functions. [Executive Committee] (continued)

Administrative Code Section 2416 (f, 5)

- Chief EEO Officer oversight of EEO investigation with an external investigator
- Substantiated findings shared with EEO ad hoc subcommittee, via attorney-client privileged communication
- Subcommittee determines appropriate action for Board consideration

Proposed Changes to Duties and Functions. [Executive Committee] (continued)

Administrative Code Section 2416 (f, 5)

- Subcommittee will share findings and recommended action to respondent
- **Conflict of Interest provision**
 - With Subcommittee Board member
 - EEO Officer selects alternate
 - With Chief EEO Officer
 - EEO complaint referred to Legal or Ethics

Proposed Changes to Duties and Functions. [Executive Committee] (continued)

Administrative Code Section 2416 (f, 5)

- Exception
 - Deviation of 2416 (f, 5) protocol by EEO Officer, in certain circumstances, with written justification and approval of subcommittee

EEO Investigative Procedures for Board and its Direct Reports

EEO Investigative Procedures

- EEO Office receives complaint and confirms receipt with complainant within 3 business days
- EEO Office contacts complainant within 5 business days to schedule intake assessment
- EEO Office conducts intake assessment within 10 business days

EEO Investigative Procedures

EEO Investigative Procedures for Board and its Direct Reports (continued)

- EEO Office determines jurisdiction of complaint within 10 business days of receiving relevant information
- EEO Office will recommend interim measures for respondents who are direct reports, as applicable, for ad hoc committee consideration
- EEO Office will consider informal resolution with input from complainant

EEO Investigative Procedures

EEO Investigative Procedures for Board and its Direct Reports (continued)

- EEO Office will hire an external investigator to conduct fact finding investigation with policy violation determination, review process is included
- Investigation will take 90 business days, with exceptions for certain circumstances
- Investigation based on preponderance of evidence standard

EEO Investigative Procedures

EEO Investigative Procedures for Board and its Direct Reports (continued)

- Findings are substantiated or unsubstantiated
- EEO Office sends closing letters to complainant and respondent.
- EEO Officer will refer substantiated findings, via attorney client privileged communication, to the subcommittee for recommended action.

Questions

- Administrative Code 2131
- Administrative Code 2416
- EEO Investigative Procedures

Board Options

Option #1

- Approve recommended amendments to Administrative Code sections 2131 and 2416, and approve EEO Investigative Procedures for the Board and its Direct Reports

Board Options

Option #2

- Do not approve recommended amendments to Administrative Code 2131 and 2416, or the EEO Investigative Procedures for the Board and its Direct Reports.

Board Options

Option #3

- Approve recommended amendments to Administrative Code sections 2131 and 2416, and further develop the EEO Investigative Procedures for the Board and its Direct Reports

Board Options

Option #4

- Approve recommended amendments to Administrative Code section 2131, and further develop Administrative Code section 2416 and the EEO Investigative Procedures for the Board and its Direct Reports

