

## **Interim Process for Complaint Against a Board Appointed Officer (BAO)**

### Scope of Complaint

Anyone may bring a formal complaint against a Board Appointed Officer for misconduct in accordance with this section. Misconduct under this section shall be limited to violations of the Anti-Discrimination, Harassment, Abusive Conduct, and Retaliation Policy (AD-2.8), and/or violations of local, state, and/or federal law.

### Written Complaint Procedure (Pre-Investigation Process – A)

Complaints must be in writing and signed in the complainant's true legal name. Complaints must identify the accused Board Appointed Officer and should provide as much detail as possible about the alleged misconduct. Complainants must submit their written complaints to the Human Resources Deputy or Senior District Counsel.

The Board Chair will be notified of the nature of the complaint and form an Internal Affairs Group (IAG). The IAG will consist of the Human Resources Deputy, Senior District Counsel and subject matter experts. Throughout this process, the Human Resources Deputy and Senior District Counsel will report directly to the Chair.

### Initial Evaluation of Complaint.

The IAG will select a 3<sup>rd</sup> party consultant who will perform an initial assessment to determine whether it has sufficient information whether the alleged conduct both occurred and violated policies. The consultant, with support of the IAG, will provide a memo to the Chair with recommendation of next steps. The recommendation will be provided by the Chair to the Board for action.

### Commencement of Investigation (Investigation Process – B)

The chair shall appoint a Project Manager and form an Ad Hoc Committee ("Committee") to address the complaint. The Committee shall consist of the Chair and 1-2 other directors.

The Project Manager with support of the IAG will select an independent investigator and negotiate a contract which will be approved by the Chair.

No Board member who participates in any investigation in any way may disclose any confidential information regarding the investigation including the identification of any known or suspected witnesses.

The Board shall endeavor to have investigations completed within a timely manner.

### Ongoing Management of Investigation

The Project Manager with support of the IAG will monitor and report progress/issues, foreseeable changes per the approved contract and regularly report to the Committee.

The Committee will communicate to the Board as issues arise needing the Board's direction for issues outside of the Committee's scope or authority.

#### Completion of Investigation

Draft Investigative and Executive Summary Reports may be provided to the Project Manager and IAG for initial technical review. Examples of technical review include ensuring accurate policy references and fixing spelling or grammatical errors, if any.

#### Board Review of Report (Board Review Process – C)

The Draft full report will only be available for viewing by the Chair. The Draft Executive Summary will be available for individual review by the Board. Individual Board Members may request that the Chair schedule a Closed Session meeting with the investigator for the purposes of clarification. Upon completion of individual Board review, the Project Manager, with discussion of the Board, will direct the investigator to finalize the report.

#### Board Consideration of Findings (Post-Investigation Process – D)

The Board will discuss findings, if any, and will determine next steps.

The IAG will close-out the complaint upon completion.