



## SACOG Board of Directors

## Item # 18-1-11 Information

January 11, 2018

### SACOG's Harassment Prevention Policies

**Issue:** How can SACOG ensure that we develop a work environment that prevents all forms of harassment in general and sexual harassment in particular?

**Recommendation:** None to date; this item is for information. A more formal recommendation for action will likely be brought to the board in spring 2018.

**Discussion:** In light of the national spotlight on harassment, the CEO asked staff to review SACOG's current policies and procedures. While SACOG has a formal harassment prevention policy that goes above and beyond the minimum required by law, no workplace is immune from improper, unwelcome and illegal behavior. We are reviewing staff policy and procedures, board policies and procedures, and organization-wide areas for improvement. Consistent with our organizational value of Professional Excellence, staff has done an internal review and is beginning to research practices elsewhere for ideas on how to strengthen policies and procedures.

At the Strategic Planning Committee, staff:

- (1) Reviewed SACOG's current policies and procedures on the books covering both the staff and the board, including who and what is covered and our current complaint and investigation process;
- (2) Discussed a plan to survey best practices implemented by other agencies that we could look at to strengthen our own policies and procedures; and
- (3) Recommended next steps, including any specific areas that we believe may need to be addressed and a timeline for addressing them.

Staff is looking for board input today and in the coming months as staff continues its work. This item summarizes the initial review, some ideas for what SACOG could do next, and some questions that the board could consider.

#### *Staff Policy*

California requires training only for supervisors, and only every two years. SACOG's practice has been to have training for all staff every two years. However, the senior staff thinks it is important that we as an organization have the best training available and go above and beyond the minimum requirements. This month, we will have a two-hour training for all staff. We have contracted with Shaw Law Group, the leading training firm in the region on harassment prevention, to provide the training.

SACOG's non-harassment policy is written to protect employees from anyone they come in contact with through their job.

*Board Policy*

While SACOG's non-harassment policy is intended to protect staff from harassment by a board member, there is not an explicit policy that covers the conduct of board members and how complaints or investigations are handled. AB 1661 requires local agency elected officials who receive any kind of compensation to receive sexual harassment prevention and education training, but it does not address how agencies should handle complaints or investigations.

Public agencies are different from private employers, because their staff interact regularly with elected officials who have ultimate authority, and are not subject to the same disciplinary actions that would be applied to staff. Staff is recommending that current policies be updated, or new policies be adopted, to more explicitly cover board members.

Some of the specific issues related to board member conduct that should be considered in developing a policy:

1. How complaints are received;
2. Who conducts investigations;
3. What actions should be taken if improper or unlawful conduct occurs; and
4. What is the role of staff and the board in all stages of a complaint.

*Potential Next Steps*

At the Strategic Planning Committee meeting on January 8, Chair-elect Schenirer proposed that staff develop detailed recommendations based on input from SACOG employees and work with a few board members for feedback before bringing a recommendation back to the board. Members of the Strategic Planning Committee had a range of ideas on how to move forward, which included revising the policy that applies to staff and extending it to more explicitly cover board members, to developing a code of conduct for board members.

The CEO has identified a staff group to review our current policies, protocols and training practices covering both the staff and the board of directors to ensure that we are doing everything possible to prevent all forms of harassment in the workplace. The ideas that group will look into include:

- A review of other public agency practices and policies regarding harassment
- A discussion among staff about workplace culture and aligning our policies and procedures to reinforce our desired culture
- Consultation with outside experts on how to best prevent and respond to harassment in SACOG's environment
- Developing a non-harassment policy or code of conduct that outlines where the general SACOG policy may need to be specific to board members
- Exploring the use of a third-party investigator for all claims

We look forward to getting your input to help ensure that we are doing everything possible to develop a safe work environment and to create a workplace culture that is essential to attracting, recruiting and retaining the best professional talent possible.

Approved by:

James Corless  
Chief Executive Officer

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