

August 8, 2023

MEETING NOTICE

SANTA CLARA VALLEY WATER DISTRICT DIVERSITY & INCLUSION AD HOC COMMITTEE

Members of the Diversity & Inclusion Ad Hoc Committee:

District 6 Director Tony Estremera, Committee Chair
District 5 Director Nai Hsueh, Committee Vice Chair
District 7 Director Rebecca Eisenberg

Staff Support of the Diversity & Inclusion Ad Hoc Committee:

Rick Callender, Chief Executive Officer
Melanie Richardson, Assistant Chief Executive Officer
Bhavani Yerrapotu, Acting Assistant Chief Executive Officer
Juan Carlos Orellana, District Counsel
Brian Hopper, Sr. Assistant District Counsel
Andrew Gschwind, Assistant District Counsel
Michele King, Clerk of the Board
Rachael Gibson, Chief of External Affairs
Aaron Baker, Chief Operating Officer Water Utility
Rechelle Blank, Chief Operating Officer Watersheds
Tina Yoke, Chief Operating Officer, IT & Administrative Services
Jennifer Codianne, Deputy Operating Officer
Patrice McElroy, Deputy Administrative Officer
Marta Lugo, Assistant Officer
Lisa Bankosh, Assistant Officer
Rosie Cofre, Racial, Equity, Diversity, and Inclusion Manager
Ingrid Bella, Employment Services Manager
Sherilyn Tran, Civic Engagement Manager
Linda Nguyen, Senior Management Analyst
Blanca Sanchez-Cruz, Program Administrator
Richard Nguyen, Management Analyst II
Moriah Ibarra, Administrative Assistant

A Santa Clara Valley Water District regular meeting of the Diversity & Inclusion Ad Hoc Committee has been scheduled to occur at 11:00 a.m. on Tuesday, August 15, 2023 in the Headquarters Building Boardroom located at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

Members of the public may join the meeting via Zoom Teleconference at:
<https://valleywater.zoom.us/j/93111833352>.

The meeting agenda and corresponding materials are located on our website:
<https://www.valleywater.org/how-we-operate/committees/board-committees>.

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Santa Clara Valley Water District Diversity & Inclusion Ad Hoc Committee Meeting

Headquarters Building Boardroom
5700 Almaden Expressway, San Jose, CA 95118

Join Zoom Meeting:
<https://valleywater.zoom.us/j/93111833352>

REGULAR MEETING AGENDA

**Tuesday, August 15, 2023
11:00 AM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

BOARD COMMITTEE MEMBERS:

Committee Chair:
Director Tony Estremera, District 6

Committee Vice Chair:
Director Nai Hsueh, District 5

Director Rebecca Eisenberg, District 7

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

COMMITTEE LIAISON:
Marta Lugo

COMMITTEE CLERK:
Nicole Merritt
Assistant Deputy Clerk II
408-630-3262
nmerritt@valleywater.org
www.valleywater.org

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Diversity & Inclusion Ad Hoc Committee
REGULAR MEETING
AGENDA

Tuesday, August 15, 2023

11:00 AM

Join Zoom Meeting:
<https://valleywater.zoom.us/j/93111833352>

HQ Boardroom
5700 Almaden Expressway
San Jose, CA 95118

IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=TojJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of

statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:
<https://valleywater.zoom.us/j/93111833352>
Meeting ID: 931 118 33352
Join by Phone:
1 (669) 900-9128, 93111833352#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

- 3.1. Approval of Diversity and Inclusion Ad Hoc Committee Meeting Minutes of May 26, 2023. [23-0701](#)
- Recommendation: Approve the minutes.
- Manager: Candice Kwok-Smith, 408-630-3193
- Attachments: [Attachment 1: 052623 DIAHC Minutes](#)
- Est. Staff Time: 5 Minutes

4. REGULAR AGENDA:

- 4.1. Receive and Discuss the Draft Plan for Documenting and Disseminating Valley Water's Board Historical Actions to Enable the Advancement of Environmental Justice. (Continued from May 26, 2023.) [23-0779](#)
- Recommendation: Receive and discuss the draft plan for documenting and disseminating Valley Water's historical Board actions to enable the advancement of Environmental Justice.
- Manager: Marta Lugo, 408-630-2237
- Attachments: [Attachment 1: Draft Plan](#)
- Est. Staff Time: 10 Minutes
- 4.2. Receive Valley Water's Next Generation (Next Gen) Career Pathways Program Update. [23-0501](#)
- Recommendation: Receive an update on Valley Water Next Gen Career Pathways Program.
- Manager: Patrice McElroy, 408-630-3159
- Attachments: [Attachment 1: PowerPoint](#)
- Est. Staff Time: 5 Minutes
- 4.3. Receive Valley Water's Veteran Outreach Initiatives Update. [23-0500](#)
- Recommendation: Receive an update on Valley Water's efforts to increase visibility and preference for veteran applicants.
- Manager: Patrice McElroy, 408-630-3159
- Attachments: [Attachment 1: PowerPoint](#)
- Est. Staff Time: 5 Minutes

- 4.4. Receive Information on the Process of Employee Complaints Against Board Members and the Chief Executive Officer (CEO). [23-0700](#)

Recommendation: Receive information on the Employee Complaints Process against Board Members and the CEO.

Manager: Patrice McElroy, 408-630-3159

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Governance Process](#)
[Attachment 3: Anti-Discrimination Harassment Policy](#)

Est. Staff Time: 10 Minutes

- 4.5. Review Diversity and Inclusion Ad Hoc Committee 2023 Work Plan and Confirm the Next Meeting Date. [23-0780](#)

Recommendation: A. Review the 2023 Diversity and Inclusion Ad Hoc Committee Work Plan and make adjustments as necessary; and
B. Confirm the next meeting date.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: 2023 D&I Ad Hoc Committee Work Plan](#)

Est. Staff Time: 5 Minutes

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

6. ADJOURN:

Adjourn to Regular Meeting at 2:00 p.m., on October 26, 2023.

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Santa Clara Valley Water District

File No.: 23-0701

Agenda Date: 8/15/2023
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM Diversity & Inclusion Ad Hoc Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Approval of Diversity and Inclusion Ad Hoc Committee Meeting Minutes of May 26, 2023.

RECOMMENDATION:

Approve the minutes.

SUMMARY:

In accordance with the Ralph M. Brown Act, a summary of Committee discussions, and details of all actions taken by the Diversity and Inclusion Ad Hoc Committee, during all open and public Committee meetings, is transcribed and submitted to the Committee for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the Committee's historical record archives and serve as the official historical record of the Committee's meeting.

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

ATTACHMENTS:

Attachment 1: 052623 DIAHC Minutes

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193

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DRAFT MINUTES

**SPECIAL MEETING
MONDAY, MAY 26, 2023
10:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A special meeting of the Santa Clara Valley Water District (Valley Water) Diversity and Inclusion Ad Hoc Committee (Committee) was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, and by Zoom teleconference, at 10:00 a.m.

1.1 Roll Call.

Committee members in attendance were District 7 Director Rebecca Eisenberg, District 5 Vice Chairperson Nai Hsueh, and District 6 Director Tony Estremera, Chairperson presiding, constituting a quorum of the Committee.

Staff members in attendance were: Ingrid Bella, Mera Burton, Rick Callender, Theresa Chinte, Rachael Gibson, Walter Gonzalez, Tammy Greunke, Andrew Gschwind, Christopher Hakes, Mary Harvey, Brian Hopper, Michele King, Candice Kwok-Smith, Jay Lee, Marta Lugo, Patrice McElroy, Nicole Merritt, Tony Ndah, Linda Nguyen, Richard Nguyen, Carlos Orellana, Don Rocha, Blanca Sanchez-Cruz, Lidya Tesfaye, Cheryl Togami, Tina Yoke and Beckie Zisser.

Guests in attendance were: Emilio Cruz and Jacqueline Reynoso - Cordoba Corporation.

Public in attendance were: Rosa Bravo, BG, James, Johnathan Lockwood, Kerman Maddox, and xxx-xxx-5815.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA:

Chairperson Estremera declared time open for public comment on any item not on the agenda. There was no one who wished to speak.

2.1. Election of 2023 Diversity and Inclusion Ad Hoc Committee Officers.

Recommendation: Nominate and elect the 2023 Diversity and Inclusion Ad Hoc Committee Chairperson and Vice Chairperson.

The Committee considered Item 2.1 without a staff presentation.

Public Comments: None.

It was moved by Vice Chairperson Hsueh and seconded by Chairperson Estremera, and carried by majority vote that Director Estremera would remain Chairperson and Director Hsueh remain Vice Chairperson, with one No vote by Director Eisenberg.

3. APPROVAL OF MINUTES:

3.1. Approval of October 27, 2022 Diversity and Inclusion Ad Hoc Committee Meeting Minutes.

Recommendation: Approve the minutes.

The Committee considered the attached minutes of the October 27, 2023 Committee meeting without a staff presentation.

Public Comments:
None.

It was moved by Vice Chair Hsueh and seconded by Chairperson Estremera, and carried by majority vote with one Abstain vote from Director Eisenberg.

4. REGULAR AGENDA:

4.1. Receive Valley Water's Diversity, Equity and Inclusion (DEI) Strategic Master Plan Efforts Update; and Make a Committee Recommendation to Share the Report with the Board.

Recommendation: A. Receive information on Diversity, Equity and Inclusion (DEI) Strategic Master Plan efforts and Recommendations Report and;

- B. Recommend that the DEI Strategic Master Recommendations Report be shared with the full Board.

Marta Lugo and Emilio Cruz reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachment 1 were reviewed as follows: Marta Lugo, reviewed Slides 1 through 8, Slide 18; and Emilio Cruz reviewed Slides 9 through 17.

Marta Lugo, Blanca Sanchez-Cruz, Linda Nguyen, Emilio Cruz, Jacqueline Reynoso, and Rick Callender were available to answer questions.

Public Comments:
None.

The Committee received the information and noted the following:

- The Committee requested staff to follow up on including remedial measures for reporting of sexual harassment, available non-gender restrooms, addition of non-binary language on the Valley Water website, improving support of local Indigenous people, and equal pay for women.
- The Committee confirmed their monitoring role, interest in the environmental justice impact on future projects, discussed the challenges of unbundling large contracts to utilize smaller businesses, and support for sustainable vendors.
- The Committee noted the significance of the support of the Employee Resource Groups, and the continued development of hiring diverse staff within the community.

It was moved by Vice Chair Hsueh and seconded by Director Eisenberg and unanimously approved that the DEI Strategic Master Plan Efforts Recommendations Report be shared with the Board.

- 4.2. Receive and Discuss the Draft Plan for Documenting and Disseminating Valley Water's Board Historical Actions to Enable the Advancement of Environmental Justice.

Recommendation: Receive and discuss the Draft Plan for documenting and disseminating Valley Water's Board historical actions to enable the advancement of Environmental Justice.

The Committee continued this Item to the August meeting.

4.3. Review and Recommend to the Board of Directors Proposed Guidelines For the Naming/Renaming of Valley Water-Owned Land, Facilities and Amenities.

- Recommendation:
- A. Receive proposed guidelines for the naming/renaming of Valley Water assets.
 - B. Provide feedback to staff on proposed updated Guidelines and;
 - C. Recommend final guidelines to the Board for approval.

Blanca Sanchez-Cruz reviewed the information on this item, per the attached Committee Agenda Memo and per the information contained in Attachment 1.

Blanca Sanchez-Cruz was available to answer questions.

Public Comments:
None.

The Committee received the information and noted the following:

- The Committee requested staff to follow up on including a more detailed explanation of the naming guidelines.
- The Committee noted the importance of the inclusion of underrepresented groups like women or LGBTQIA+ for naming guidelines.

Vice Chair Hsueh requested the motion be amended to not include a waiting time period for the guidelines for the naming/renaming of Valley Water-owned land, facilities, and amenities.

It was moved by Vice Chair Hsueh and seconded by Director Eisenberg and unanimously approved that the final guidelines for the naming/renaming of Valley Water-owned land, facilities, and amenities go to the Board for approval as amended.

4.4. Review the Valley Water 2023 Employee Survey.

Recommendation: Receive the information on the 2023 Employee Survey.

Patrice McElroy reviewed the information on this item, per the attached Committee Agenda Memo and per the information contained in Attachment 1.

Patrice McElroy and Rick Callender were available to answer questions.

Public Comments:
None.

The Committee received the information, took no formal action, and noted the following:

- The Committee requested staff to follow up with additional information regarding the survey results on Slides 14 and 16 of the PowerPoint presentation.
- The Committee noted the inclusion of COVID-19 data will be provided in the final survey report.
- The Committee noted the importance of the consultant providing explanations of the statistics to confirm which results are of significance.

4.5. Receive and Accept the Diversity and Inclusion Ad Hoc Committee 2022 Accomplishments Report.

Recommendation: Receive and accept the Diversity and Inclusion Ad Hoc Committee 2022 Accomplishments Report.

The Committee considered this Item without a staff presentation.

It was moved by Vice Chair Hsueh and seconded by Director Eisenberg and unanimously approved to accept the Diversity and Inclusion Ad Hoc Committee 2022 Accomplishments Report.

4.6. Review Diversity and Inclusion Ad Hoc Committee 2023 Work Plan and Accept 2023 Meeting Schedule.

Recommendation: A. Review the 2023 Diversity and Inclusion Ad Hoc Committee 2023 Work Plan and make Adjustments as necessary; and
B. Accept the 2023 meeting schedule.

The Committee considered this Item without a staff presentation.

The Committee received the information, took no formal action, and noted the following:

- The Committee noted the next meeting will be in August 2023 and confirmed Item 4.2 would be addressed at the August meeting.
- The Committee confirmed Item 4.4 would report back to the Committee upon the completion of the consultant's final report. The final employee survey report was provided to the full Board including DIAHC Committee members on June 8, 2023.
- The Committee requested staff to include the Tribal Land Acknowledgement and the status of the Equal Pay Act audit results as future agenda items.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS:

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

None.

6. Adjourn:

6.1. Adjourn to Regular Meeting at 2:00 p.m, on October 26, 2023..

Chairperson Estremera adjourned the meeting at 11:44 a.m., to the regular meeting subsequently approved and scheduled at 11:00 a.m. on August 15, 2023.

Nicole Merritt
Assistant Deputy Clerk II

Date Approved:



Santa Clara Valley Water District

File No.: 23-0779

Agenda Date: 8/15/2023
Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM Diversity & Inclusion Ad Hoc Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Receive and Discuss the Draft Plan for Documenting and Disseminating Valley Water's Board Historical Actions to Enable the Advancement of Environmental Justice. (Continued from May 26, 2023.)

RECOMMENDATION:

Receive and discuss the draft plan for documenting and disseminating Valley Water's historical Board actions to enable the advancement of Environmental Justice.

SUMMARY:

During the last D&I Ad Hoc Committee meeting on October 27, 2022, the committee provided additional guidance to staff on the need to expand on the provided draft article documenting historic board actions that have allowed Valley Water to proactively advance environmental justice (EJ).

To meet the committee's request for more comprehensive documentation of Board actions to advance environmental justice at all levels of the organization, staff has since revised its approach and prepared the attached proposed plan which modifies the original plan from a single article focused on projects to a series of several articles focused on historical board actions that broaden Valley Water scope in line with EJ principles and secured local funding supporting environmental justice goals instead. Staff proposes a series of articles that will:

- Provide more comprehensive documentation of efforts without the constraints of length or information overload on readers.
- Dissemination of information to Valley Water communities in shorter and more digestible blog articles.
- Distribution of information over a period to reinforce the impact.

In addition, information gathered for the preparation of the planned articles has been shared with Cordoba Corporation for inclusion in the upcoming 5-Year DEI Strategic Master Plan to provide additional context and background. It will also be shared for inclusion in the upcoming edition of the

Valley Water History Book (release planned for completion by FY 2028).

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

ATTACHMENTS:

Attachment 1: Draft Plan

UNCLASSIFIED MANAGER:

Marta Lugo, 408-630-2237

DRAFT PLAN

Proposal:	Historic Board Actions Enabling EJ Article Series
Purpose:	Document historic board actions that enabled the advancement of environmental justice (EJ) considerations at Valley Water
Objectives:	<ul style="list-style-type: none">• Comprehensive documentation of key Valley Water Board actions that enabled the consideration of EJ priorities• Educate Valley Water employees about Valley Water's history and the Board actions that enabled EJ considerations in all Valley Water activities• Raise community awareness of Valley Water's long-standing commitment to EJ

Theme 1: Water Rates Structures

The Board works to ensure affordable safe, clean water for all

Main points of the article:

- a. Provide an overview of the Valley Water rates system to educate readers about current practices and their origin.
- b. Highlight the advantages of the Board's water supply pricing policy, which enables Valley Water to manage surface water, groundwater, and recycled water conjunctively to prevent the overuse or underuse of the groundwater basin and better meet the water needs of all communities.
- c. Provide an overview of the benefit/value-derived groundwater benefits zones structure (Equity).
- d. Demonstrate Valley Water's commitment to the agricultural community by ensuring an affordable rate system that supports affordable food production in the county.
- e. Emphasize Valley Water's commitment to affordable water and Board response to financial strains resulting from COVID on economically disadvantaged communities – i.e., the creation of the Water Rate Assistance Program (WRAP) in partnership with Sacred Heart.

Theme 2: Revisions of District Act include Environmental Stewardship

The Board successfully expands the scope of Valley Water's charter to include environmental stewardship as a priority and maintain representation of all communities

Main points of the article:

- a. Provide a brief overview of the limitations imposed by the District Act prior to 2001 and the impetus for expanding its scope.
- b. Discuss Board-led 2001 changes to District Act to include Environmental Stewardship and the resulting new scope of responsibilities for Valley Water.
- c. Discuss AB 1889 (Caballero, 2018) District Act amendment to maintain representation for communities of color
- d. Provide examples of outcome impacts/achievements enabled by the changes to the District Act on environmental considerations and enabling EJ conversations.
 1. Creation of Environmental Unit (Role at Valley Water and outcomes)
 2. Advanced Purification Center (Environmentally sustainable Project)
 3. FAHCE Project Advancement
 4. Singleton Road Project completion (20 yr. Project)

Theme 3: Financial Structures

The Board enables a holistic approach to meeting our community's most pressing needs

Main points of the article:

- a. Provide an overview of historic “locally” available resources investment practices (associated with individual Flood Control Zones) and resulting perpetuation of inequities.
- b. Discuss board-led restructuring to combine the 1% property tax revenues associated with individual Flood Control Zones into one county-wide fund and impact to EJ.
 1. Combining revenues from individual Flood Control Zones into one fund enabled the holistic consideration of County needs and targeted investment into high-need areas.
 1. Elimination of Benefits Zones structures enabled the holistic consideration of county needs and targeted investment into high-need areas.
 - Example: San Francisquito Creek Project (JPA collaboration, East Palo Alto, Menlo Park, Palo Alto)
 2. Elimination of State flood subvention fund reinvestment practice to ensure funding redistribution into needed projects rather than the same project.
 - Example: Upper/Lower Llagas Project

Theme 4: Voter-Approved Special Parcel Tax Measures

The Board asks voters to approve a special parcel tax to help fund locally preferred projects to better protect our community

Key points of the article

- a. Outcome impacts and limitations of the application of federal Benefit Cost Ratio (BCR) or benefit-cost analysis for the determination of projects in historically disadvantaged communities.
 1. Example of “shelved” projects (i.e., Lower Silver Creek, Llagas...)
- b. Securing local funding to support local projects
 1. Impacts of 2002, 2012 & 2020 special parcel tax
 2. Impact of Measure AA
- c. Provide examples of projects and programs enabled by the passage of ballot measures and corresponding EJ implications.
 1. New project example: Coyote Creek
 2. Community Support example: Grants
 3. Water Supply Example: Anderson Retrofit

Theme 5: Collaboration with local and federal partners to advance EJ The Board building new paths to ensure all communities are included

Main points of the article

- a. Discuss the board’s advocacy roles with USACE and the forging of collaborations locally
- b. Provide examples of impact outcomes of board federal advocacy efforts
 1. Guadalupe River Project (federal investment into the park)
 2. Coyote Creek Flood Protection (“Loses” included in assessment).
 - Benefits to 10 DACs across the nation
 3. Upper Llagas Flood Protection Project (Accept local funding to support the project)
- c. Provide examples of impact outcomes of board local collaboration efforts
 1. SFCJPA: Enabling project implementation and emergency assistance to East Palo Alto.

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Santa Clara Valley Water District

File No.: 23-0501

Agenda Date: 8/15/2023
Item No.: 4.2.

COMMITTEE AGENDA MEMORANDUM Diversity & Inclusion Ad Hoc Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Receive Valley Water's Next Generation (Next Gen) Career Pathways Program Update.

RECOMMENDATION:

Receive an update on Valley Water Next Gen Career Pathways Program.

SUMMARY:

Valley Water's Next Gen Career Pathways Program is a commitment to promote workforce development and build a pipeline of skilled professionals who can support the long-term sustainability of the water industry. The program has four initiatives, which are branded as the Wonders of Water-High School Internship Program, Discover Valley Water-College Internship Program, Water Works-College Stipend Program, and Water Educators.

ENVIRONMENTAL JUSTICE IMPACT:

Further analysis is necessary to determine the Environmental Justice impacts associated with this item and will be included in any additional updates provided to the committee.

ATTACHMENTS:

Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:

Patrice McElroy, 408-630-3159

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Next Gen Career Pathways – Internships

DIVERSITY & INCLUSION AD HOC COMMITTEE - AUGUST 15, 2023

AGENDA

- Valley Water's Next Gen/Career Pathways Program
- Discover Water - Internships Overview
- College Internships
- Early Career Pathways
- Questions

2

valleywater.org

September 2021

DIVERSITY, EQUITY, AND INCLUSION TOOLKIT

Best Practices for expanding DEI effort in the water industry:

Obtain “home-grown” talent and diversity

Expand programs and outreach efforts to increase career awareness

Collaborate with partners to create alternative career pathways

Valley Water Next Gen Career Pathways Program

Outcome:

Create employment pathways for local students from underrepresented communities.

Do more to recruit diverse candidates from across the nation.



Next Generation Career Pathways Program 5

Launched March 2022



Program Components	FY24	FY25
Three (3) FTEs	\$834,992	\$869,830
Program Costs	\$969,063*	\$989,426*
Total Costs	\$1,804,055	\$1,859,256

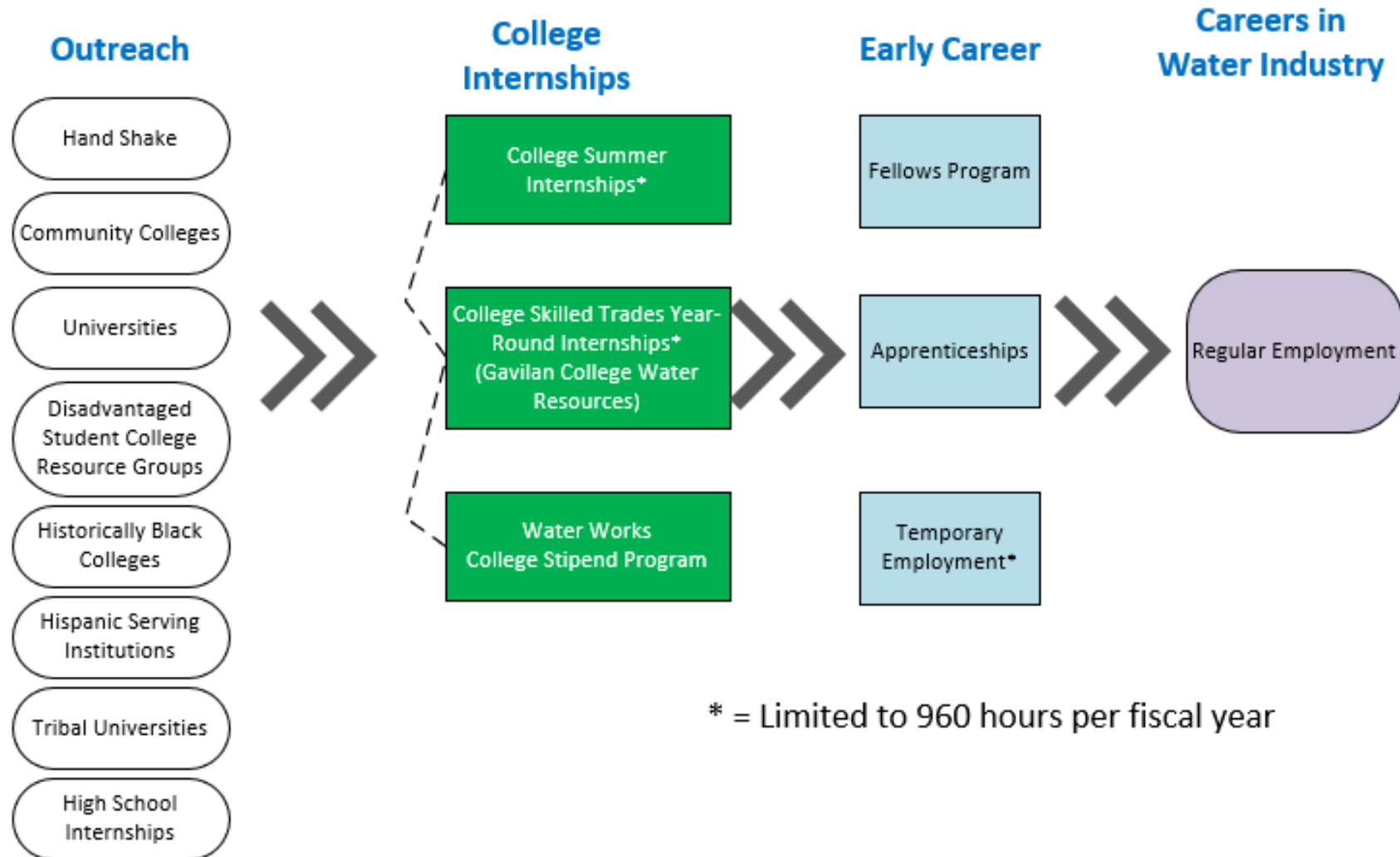
*College Summer Internships \$460K

* High School Internships \$250K

* College Stipend Program- \$210K

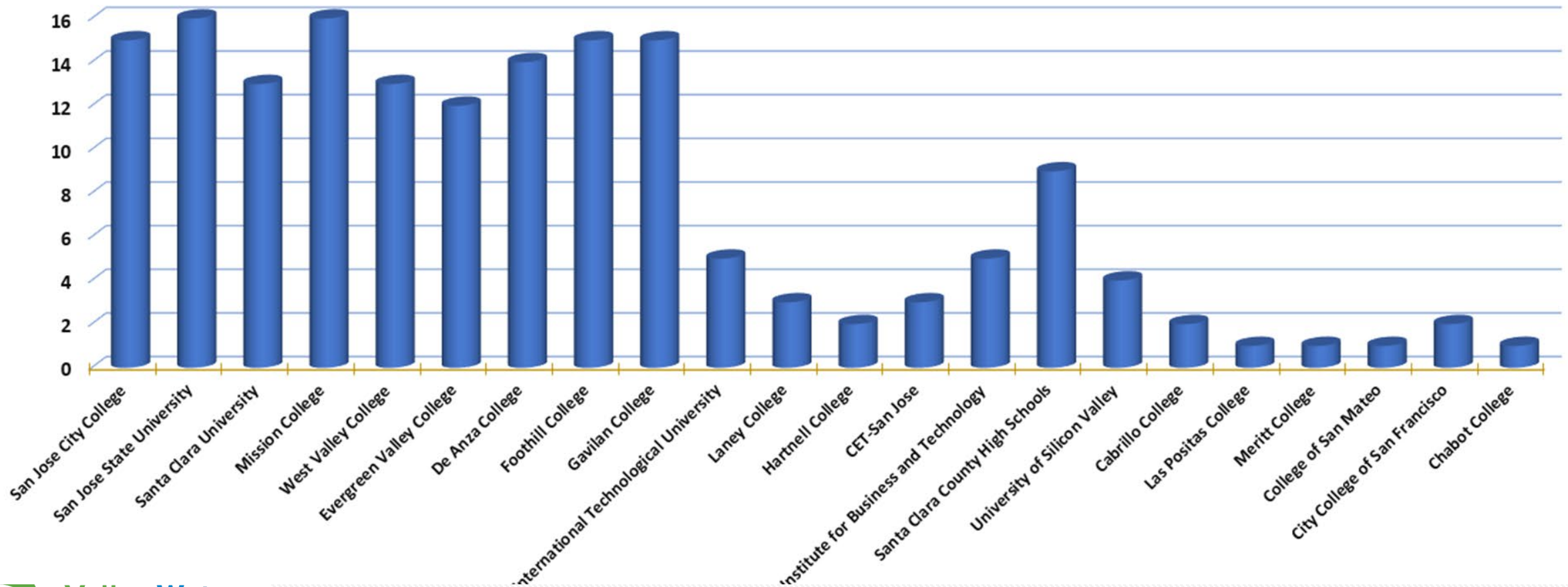
Next Generation Career Pathways Program

Discover Valley Water = Internships



Local Colleges and Universities with Water Career Related Major

Education Programs With VW Related Majors



Internship Recruitment

Open to all Community College
and Four-Year College Students

Paid hands-on experience and
learning events

Real world assignments



VALLEY WATER 2023 PAID SUMMER INTERNSHIPS

Are you interested in 1:1 mentoring and professional career development training while getting paid **\$26.31 per hour**? Learn more about our 2023 Summer Internship Program & see if you're eligible. Scan the QR Code below!



Reminder!

Applications are open from
February 1st - February 19th

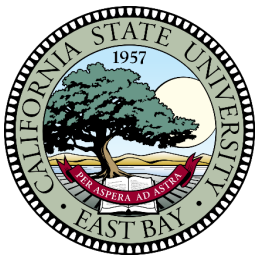


Valley Water

Internship Postings



Top 150 National Universities



Top 100 Regional Universities



#8 Top Public School (West)



Top 50 National Universities



Top 100 Regional Universities (West)



#1 public institution



Top 150 National Universities



#2 Regional Universities



Spelman #1 Historically Black Colleges & Universities



#1 Undergrad Engineering Programs



CAL POLY

#1 Top Public Schools (West)



Appalachian State #5 Best College for Veterans

MILLS



Top 50 Regional Universities (West)



Morehouse #4 Historically Black Colleges and Universities



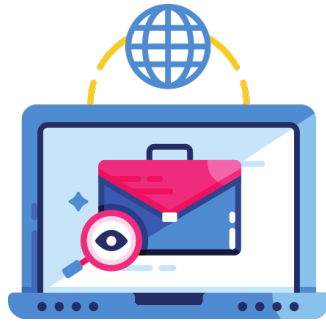
SACRAMENTO STATE

Top 100 Regional Universities (West)



Vassar #1 Best Colleges for Veterans





February

Screen applications and
schedule interviews

May – August

Summer Session: Semester Students

January

Internship recruitments are
advertised for qualified
students to apply



March

Complete Zoom interviews
and make offers



June - September

Summer Session: Quarter Students

Discover Valley Water- College Internships

College Summer Internship: 3 Months (June-September)

- Valley Water leverages outreach to a broader audience to attract diverse candidates.

College Skilled Trade Internships: 6-12 Months (Rolling)

- Participants gain hands-on experience and training.
- Water Works College Stipend Program:
 - Primary goal is to support local community college and university students in their journey towards graduating from 4-year universities and to address the financial and career-related challenges faced by local college students seeking to graduate from 4-year universities.



Early Career Pathways

Valley Water's Fellowship and Apprenticeship Program

- The goals of the program are to establish a pipeline of workers for hard-to-fill positions, increase diversity, and provide career pathways for Valley Water interns.

Temporary Worker: 6-12 Months (Rolling-As needed)

- Interns can convert to Temporary employees.



QUESTIONS



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Santa Clara Valley Water District

File No.: 23-0500

Agenda Date: 8/15/2023
Item No.: 4.3.

COMMITTEE AGENDA MEMORANDUM Diversity & Inclusion Ad Hoc Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Receive Valley Water's Veteran Outreach Initiatives Update.

RECOMMENDATION:

Receive an update on Valley Water's efforts to increase visibility and preference for veteran applicants.

SUMMARY:

As part of Valley Water's commitment to Racial Equity Diversity and Inclusion, the Human Resources Recruitment Team has embarked on several initiatives to increase the visibility of our job opportunities to military personnel that are transitioning to civilian life. Valley Water has updated its career page, produced a segment in Lifetime Channel's Military Makeover - Career Edition, and provides a preference for veterans in the first phase of the recruitment process.

ENVIRONMENTAL JUSTICE IMPACT:

Further analysis is necessary to determine the Environmental Justice impacts associated with this item and will be included in any additional updates provided to the committee.

ATTACHMENTS:

Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:

Patrice McElroy, 408-630-3159

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Valley Water - Veteran Initiatives

Presented by: Sasa Seto, Sr. Management Analyst & Courtney Letts, Supervising Program Administrator
Talent Acquisition & Career Pathways / Diversity & Inclusion Ad Hoc Committee: August 15, 2023

Veteran Initiatives - Agenda

1. Veterans Hiring Pledge
2. Veterans Valley Water Career site
3. Veteran Hiring Preference
4. Military Makeover Video

Valley Water Veteran Initiatives

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**REQUIRES AN APPLICATION
PROCESS**



**INDICATES INITIATIVE TO
RECRUIT VETERANS**



**RECOGNIZED AS A BEST-IN-
CLASS ORGANIZATION**



**TRICKS AND TIPS ON VETERAN
HIRING PRACTICES**

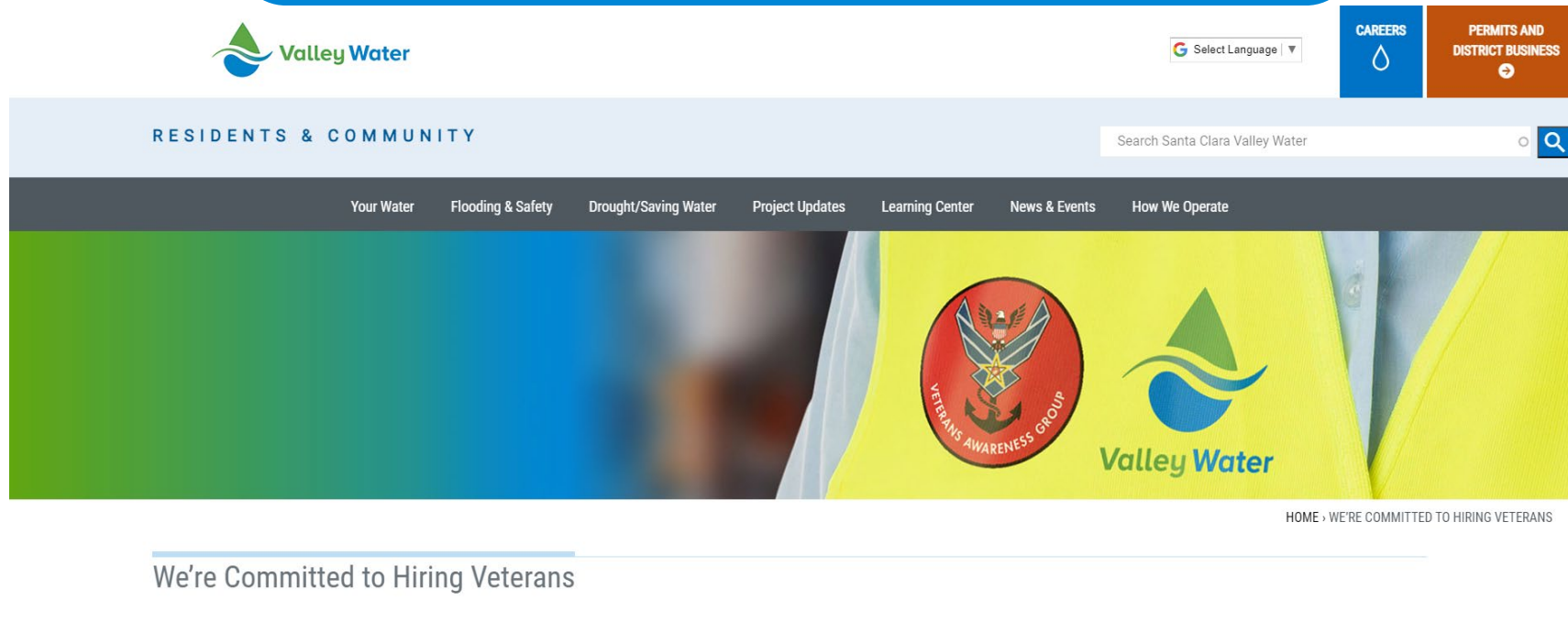


Obtained 'Veterans Hiring
Pledge' through Military.com

Valley Water Veteran Initiatives

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Veterans Career Page



valleywater.org

We're Committed to Hiring Veterans

Valley Water Veteran Initiatives

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Veteran Hiring Preference Language



Meets minimum qualifications



Submits their DD214 (Certificate of Release or Discharge from Active Duty)

Veterans who meet both criteria will be given preferential consideration at the initial stage of the hiring process.

Valley Water Veteran Initiatives

Military Makeover Video
airing on Lifetime, hosted
by Montel Williams



Military Makeover Video, aired on Lifetime TV

<https://www.youtube.com/watch?v=7lrQrbuQqAc>



QUESTIONS



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Santa Clara Valley Water District

File No.: 23-0700

Agenda Date: 8/15/2023

Item No.: 4.4.

COMMITTEE AGENDA MEMORANDUM Diversity & Inclusion Ad Hoc Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Receive Information on the Process of Employee Complaints Against Board Members and the Chief Executive Officer (CEO).

RECOMMENDATION:

Receive information on the Employee Complaints Process against Board Members and the CEO.

SUMMARY:

At the Board Policy and Planning Committee (BPPC) on June 3, 2023, there was a discussion on the employee complaint process relating to Board members and the CEO. The committee recommended, and the Board approved, that a review of the employee complaint process and any recommended changes be referred to the Diversity and Inclusion Ad Hoc Committee.

As detailed in the attached presentation (Attachment-1), EEO Complaints against the CEO are governed by Valley Water (VW) Policy AD- 2.8- Anti-Discrimination, Harassment, Abusive Conduct, and Retaliation, Policy; and complaints against Board members are governed by Board Governance Process (GP) 6.

The Board has requested that the Board Policy and Planning Committee (BPPC) develop a Board of Directors Code of Ethics and Conduct Policy, and the BPPC is proposing changes to GP 6 in association with that. Separately VW will be updating AD-2.8 to account for organizational and classification changes and to make any other needed changes.

ENVIRONMENTAL JUSTICE IMPACT:

Further analysis is necessary to determine the Environmental Justice impacts associated with this item and will be included in any additional updates provided to the committee.

ATTACHMENTS:

Attachment 1: PowerPoint

Attachment 2: Board Governance Process 6

Attachment 3: Anti-Discrimination Harassment Policy

UNCLASSIFIED MANAGER:

Patrice McElroy, 408-630-3159



Employee Complaint Process For the CEO and Board Members

Presented by: Patrice McElroy, Deputy Human Resources
Diversity & Inclusion Ad Hoc Committee: August 15, 2023

Purpose: Outline complaint Process when complaints are received against the CEO and Board Members

Today we will Discuss:

- ✓ What are Equal Employment Opportunity (EEO) complaints?
- ✓ Overview of Existing EEO complaint process for the CEO and Board members
- ✓ Moving Forward: Continual Improvement

Understanding what EEO is at Valley Water

What are EEO Complaints?

- EEO complaints are complaints based on the following:
 - Harassment/Discrimination based on race, color, creed, national origin, gender, sex, disability, medical condition, age, marital status, political affiliation, parental status, family care leave, or reasonable accommodation.
 - Abusive conduct which is malicious conduct that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest.
- Valley Water (VW) has a Zero Tolerance policy and will take immediate action to stop abusive conduct and/or harassing/discriminatory conduct.
- Retaliation is strictly prohibited at VW.





- **Complaints against the CEO are governed by VW Policy AD- 2.8- Anti-Discrimination, Harassment, Abusive Conduct, and Retaliation**
- **Complaints against Board members are governed by GP 6- Governing Policy of the Board**

Process For Complaints Against the CEO

➤ **Ad-2.8 section C Directs that Complaints against the CEO will be directed as follows:**

- Complaints should include details, if possible, such as names of individuals involved, the timeframe which the incidents occurred, and names of potential witnesses.
- The complaint will go to the Deputy Administrative Officer, Human Resources.
- Referred to the District Counsel's Office for resolution.
- Handled independently and outside of the CEO's chain of command.
- The District Counsel's Office would refer the investigation results to the Board of Directors



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Process For Complaints Against Board Members

➤ **Board, GP 6.15 et seq. addresses third-party (non-Board member) *written* complaints against Board members and the process that must be followed:**

- Complaints should include details, if possible, such as names of individuals involved, the timeframe which the incidents occurred, and names of potential witnesses.
- The complaint will go to the Deputy Administrative Officer, Human Resources who will forward it to the CEO and District Counsel for review and evaluation.
- The CEO and District Counsel must then review the complaint to determine if there is sufficient basis for further action.
 - If not, the complainant and the accused Board member would be advised and the matter would be closed. (GP 6.17.1.)
 - If the complaint adequately articulates a basis for further action, it would be presented to the Board Chair (or Vice Chair if the Chair is the subject of the complaint).

Process For Complaints Against Board Members

➤ **Board, GP 6.15 et seq. addresses third-party (non-Board member) *written* complaints against Board members and the process that must be followed Cont'd:**

- The CEO and District Counsel may recommend to the Chair (or Vice Chair) that:
 - Fact finding be conducted;
 - There be an informal resolution; or
 - That an independent investigation occur.
 - Before deciding how to proceed, the Chair (or Vice Chair) would give the accused Board member an opportunity to provide a written response to the complaint. (GP 6.18.)
- If the Chair (or Vice Chair) determines that an investigation is warranted:
 - District Counsel may be directed to conduct an investigation, and District Counsel may select and manage an independent investigator to assist in conducting such investigation.
 - At the discretion of the Chair or Vice Chair, the Board's Ethics and Conduct Ad Hoc Committee shall select an independent investigator to conduct the investigation.
 - At the conclusion of the investigation, the results of the investigation shall be presented in writing to the Chair (or Vice Chair). If he or she is satisfied with the completeness of the investigation, he or she shall then provide the Board with findings and any recommendations.

Note – There is also an ability of Board Members to file a request for admonition, sanction or censure as to the accused.



Moving Forward: Continual Improvement

- The Board Policy and Planning Committee is expected to propose updates to GP 6 .
- Valley Water is updating AD-2.8 to account for organizational and classification changes and make any other needed changes.

QUESTIONS



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Governance Policies of the Board

Title: Board Members' Code of Conduct

Category: Governance Process

Policy No. GP-6

Adopted: June 15, 1999
Chair: Larry Wilson

Latest Revision: July 28, 2020
Chair: Nai Hsueh

The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.

The Board commits itself and its members to ethical, business-like, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

Board members who do not adhere to this code of conduct may be subject to the procedures of GP-6.7 through GP-6.9 listed below.

- 6.1. Members must have loyalty to the District and community and not be conflicted by loyalties to staff, other organizations or any personal interest.
- 6.2. Members must avoid conflict of interest with respect to their fiduciary responsibility and are obligated by virtue of their office to discharge their responsibilities with integrity and fidelity and are prohibited from placing themselves in a position where their private, personal interest may conflict with their official duties.
- 6.3. Board members may not attempt to exercise individual authority over the organization.
 - 6.3.1. Members' interaction with the BAOs or with staff must recognize the lack of authority vested in individual members except when explicitly Board authorized. Board members shall refrain from abusive conduct, personal charges or verbal assaults upon the character or motives of other members of the Board, committees, commissions, staff and the public. Board members shall support the maintenance of a positive and constructive environment for District employees.
 - 6.3.2. Members' interaction with public, press or other entities must recognize the same limitation and the inability of any Board member to speak for the Board except to repeat explicitly stated Board decisions.
 - 6.3.3. No member shall contact staff on behalf of a party who is bidding or intends to bid on a District contract or who has or intends to submit a response to a request for proposals or request for qualifications, nor shall a Director inquire about the identity of bidders or proposers prior to the time that staff has made a recommendation for selection of a contractor, vendor, or consultant. Members are not prohibited from making general inquiries about the status of a particular procurement, or from providing a member of the public with information about the appropriate staff contact concerning procurement of goods and services by the District.

Governance Policies of the Board

6.3.4. After issuance of a request for goods or services, Board members are prohibited from communicating with any current or potential vendor, supplier, contractor, or consultant, except as described in this paragraph, until after issuance by the Chief Executive Officer or his/her designee of a decision on any protest relating to the request for goods or services or resultant contract award. Any communications during this period shall be limited to matters unrelated to the request for goods or services or the contract award. Whenever the member has communicated during the aforementioned period with any current or potential vendor, supplier, contractor, or consultant in violation of these restrictions, the name of the party, the date, and the content of the communications shall be disclosed at the next board meeting after the communication and noted in the minutes.

6.4. Members will respect the confidentiality appropriate to issues of a sensitive nature.

6.4.1. No member shall violate the confidentiality of closed session discussion.

6.5. Members will be properly prepared for Board deliberation.

6.6. The Board may not authorize severance pay for a Board-appointed employee of the District when the employee voluntarily separates from District employment. "Severance pay" does not include any otherwise lawful payment required to be paid by the District under a pre-existing employment agreement or under a separation and release agreement resolving a claim or claims made or threatened against the District. The Board shall not agree to amend an employment contract after the employee announces or requests a voluntary separation, except upon a Board determination, in open session, that an adjustment in compensation is required to retain the employee and is in the best interest of the District.

6.7. This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedures shall be followed when any member of the Board of Directors reasonably believes that another member of the Board has engaged in misconduct or has failed to act in the best interests of the District. The procedures shall not be effective in any case in which a non-board member seeks redress for alleged misconduct by a Board member. While the Board has discretion in deciding the actions it may choose to take in response to a complaint, this policy provides definitions and procedures related to three types of actions: admonition, sanction and censure.

6.7.1. Admonition

Admonition is the least severe form of action. An admonition may typically be directed to all members of the Board, reminding them that a particular type of behavior is not in the best interests of the District, and that, if it occurs or is found to have occurred, could make the member subject to sanction or censure. An admonition may be issued in response to a

Governance Policies of the Board

particular alleged action or actions, although it would not necessarily have to be triggered by a complaint of misconduct. An admonition may be issued by the Board prior to any findings of fact regarding any complaint, and because it is a warning or reminder, would not necessarily require an investigation or separate public hearing to determine whether a complaint is true.

6.7.2. Sanction

Sanction is the next most severe form of action. Sanction should be directed to a particular member of the Board based on a particular action (or set of actions) that is determined to be misconduct but is considered by the Board not to be sufficiently serious to require censure. A sanction is distinguished from censure in that it does not constitute punishment. A written sanction may be based upon the Board's review and consideration of a written complaint. The member accused of such misconduct will have an opportunity to provide a written response to the complaint. A sanction may be issued by the Board, and because it is not punishment or discipline, it would not necessarily require an investigation or separate public hearing.

6.7.3. Censure

Censure is the most severe form of action in this policy. Censure is a formal statement of the Board officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for misconduct, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the Board determines that the misconduct is a serious offense. In order to protect the overriding principle of freedom of speech, the Board shall not impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the Board or the District. However, nothing herein shall be construed to prohibit the Board from collectively condemning and expressing their strong disapprobation of such remarks.

6.7.4. Referral to District Attorney

At any point during any of the processes hereinafter described, the Board may refer the matter, as appropriate, to the Santa Clara County District Attorney for investigation. Prior to or following such referral, the Board may proceed with any of the actions described in this policy.

6.8. Available Procedures for addressing Misconduct

There are four separate methods for the Board to address Board member misconduct under this Policy: (1) written complaint; (2) request for admonition; (3) request for sanction; and (4) request for censure. Written complaints that specifically seek admonition, sanction, or censure as a specific remedy shall be treated as a request for that remedy (admonition, sanction, or censure), and the provisions of sections GP-6.9 and GP-6.10 shall not apply.

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6.9. Written Complaints

In the event a Board member reasonably believes another Board member has failed to act in the best interests of the District resulting in misconduct, a written complaint shall be submitted to the Chief People Officer. Upon receipt, the Chief People Officer, Human Resources Division shall transmit the complaint to the District Counsel for review. The District Counsel shall review complaints to determine whether there is a sufficient basis for further action.

6.9.1. If a complaint fails to articulate a sufficient basis for further consideration, the complainant and the accused Board member will be so advised by the District Counsel, and the matter shall be deemed concluded.

6.9.2. If a complaint adequately articulates a sufficient basis for further action, the District Counsel shall present the complaint to the Board Ethics and Conduct Ad Hoc Committee (the "Committee"), which shall be comprised of the Chair and two members of the Board. In the event the subject of a complaint is the Chair or any member of the Committee, the Board shall select another Board member to serve on the Committee in that member's stead. The District Counsel may recommend to the Committee that:

6.9.2.1. Fact finding as to the complaint should be conducted; or

6.9.2.2. Informal resolution of the complaint should occur; or

6.9.2.3. An independent investigation of the complaint should occur.

6.10. Prior to any determination by the Committee to proceed with an investigation, the accused Board member must be given a reasonable opportunity to meet with the Committee or to provide a written response to the complaint. In deciding whether or not to open an investigation, the Committee should consider:

6.10.1. Whether an investigation may compromise investigations regarding the same alleged misconduct, whether the misconduct may result in criminal charges, and whether the right of the accused Board member to a fair jury trial may be compromised by proceeding with an investigation.

6.10.2. Whether persons involved in the allegations may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full and impartial picture of alleged events.

Governance Policies of the Board

- 6.10.3. Whether measures can be taken to protect the rights of the member accused of misconduct, the member making such allegations, and those who have information regarding the allegations.

6.11. Investigations

- 6.11.1. If the Committee determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct the investigation. District Counsel may select and manage an independent investigator to assist in conducting the investigation.
- 6.11.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. District Counsel may allow witnesses to choose to provide a signed declaration under penalty of perjury attesting to their knowledge of the facts surrounding the complaint.
- 6.11.3. At the conclusion of the investigation, the results of the investigation shall be presented in writing to the Committee and CEO. If the Committee is satisfied with the completeness of the investigation, it shall provide the Board with its findings and any recommendations. Following such findings and recommendations, any individual Board member may file a request for admonition, sanction, or censure.
- 6.11.4. If the Committee determines that an investigation is not warranted, the complainant and the Board shall be notified. Following such notification, any Board member may file a request for admonition, sanction, or censure.
- 6.11.5. Should any Board member file a request for admonition, sanction, or censure following investigation, the Committee shall submit to the Board a recommendation as set forth in sections GP-6.12.2, GP-6.13.2, or GP-6.14.2, below, and the matter shall thereafter be considered by the Board at its next public meeting subject to the restrictions of section GP-6.14.5, below.

6.12. Request for Admonition

- 6.12.1. Any Board member may make a written request for an admonition which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) admonition is appropriate. A copy of the request for admonition shall be provided to the Board member accused of the misconduct.
- 6.12.2. The Committee shall review the request and submit it to the Board with a recommendation. The Committee's recommendation shall provide:

Governance Policies of the Board

6.12.2.1. Admonition is warranted; or

6.12.2.2. Admonition is not warranted; or

6.12.2.3. No further action is required.

6.12.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.

6.12.4. An admonition can be approved by a majority of the Board.

6.13. Request for Sanction

6.13.1. Any Board member may make a written request for sanction which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) sanction is appropriate. A copy of the request for sanction shall be provided to the Board member accused of the misconduct by personal service within five (5) business days from the date the Committee receives the request. The time for service shall be tolled if the Board member is unavailable for service.

6.13.2. The Committee shall review the request and determine if an investigation is warranted. Following the investigation, or if no investigation was undertaken, following review of the request, the Committee shall submit the request to the Board with a recommendation. The Committee's recommendation shall provide:

6.13.2.1. Admonition, rather than sanction is warranted; or

6.13.2.2. Sanction is warranted; or

6.13.2.3. No further action is warranted.

6.13.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.

6.13.4. The Committee's recommendation shall be subject to a majority vote of the Board.

6.14. Request for Censure

6.14.1. Any Board member may make a written request for a censure which must be submitted to the Committee. The request must contain specific language descriptive of the alleged misconduct and the reason(s) censure is appropriate. A copy of the request for censure shall be served

Governance Policies of the Board

on the Board member accused of the misconduct by personal service within five (5) business days from the date the Committee receives the written request. The time for service shall be tolled if the Board member is unavailable for service.

- 6.14.2. The Committee shall review the request and submit the request to the Board with a recommendation. The Committee's recommendation shall provide:
 - 6.14.2.1. Further investigation of the request for censure is required; or
 - 6.14.2.2. Admonition or sanction is warranted; or
 - 6.14.2.3. The request for censure should be set for a separate Board public hearing; or
 - 6.14.2.4. No further action is required.
- 6.14.3. A recommendation by a majority of the Committee shall be based on the Committee's review of the written record.
- 6.14.4. If the Board determines that further investigation is required, the Board shall direct the Committee to lead the investigation which may be assisted by the CEO and District Counsel. The following guidelines apply to such an investigation:
 - 6.14.4.1. The Committee may be assisted by a separate independent investigator.
 - 6.14.4.2. Upon completion of the investigation, the Committee should determine if taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the misconduct occurred.
 - 6.14.4.3. The Committee shall issue to the Board a final a report and recommendation as approved by a majority of the Committee. The Committee's final report shall be made available to the public.
- 6.14.5. If a separate Board public hearing is required, it must be scheduled far enough in advance to provide the Board member subject to the charges adequate time to prepare a defense, and that Board member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The Board member subject to the charges may be represented and may have the representative speak or question on his/her behalf. The Chair or Vice Chair, if the Chair is the subject of the charges, shall preside at the public hearing. The rules of evidence shall not apply to the hearing of the matter, which is not a formal adversarial proceeding. If the District Counsel has assisted Board members in the

Governance Policies of the Board

investigation, independent legal counsel shall provide legal advice to the Board during the hearing of the matter.

- 6.14.6. A decision to censure requires the adoption of a resolution making findings with respect to the specific charges, based on substantial evidence and approved by a two-thirds vote of Board.

6.15. Complaints from non-Board members

This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedure shall be followed when a non-Board member files a written complaint stating his/her reasonable belief that a member of the Board has acted or failed to act in the best interests of the District resulting in misconduct. While the Board has discretion in deciding the actions it may choose to take in response to such a complaint, this policy provides definitions and procedures related to three types of actions: admonition, sanction and censure as defined in sections GP-6.7.1, GP-6.7.2., and GP-6.7.3, of this policy.

- 6.16. At any point during any of the processes hereinafter described, the Board may refer the matter as appropriate to the Santa Clara County District Attorney for investigation. Following such referral, the Board may proceed with any of the actions described in this policy.

- 6.17. This policy applies to the Santa Clara Valley Water District Board of Directors and the following procedures shall be followed when a non-Board member reasonably believes that a member of the Board has acted or failed to act in the best interests of the District resulting in misconduct. A written complaint signed by the complainant shall be filed with the Chief People Officer, Human Resources Division. Upon receipt, the Chief People Officer shall transmit the complaint to the Chief Executive Officer (CEO) and the District Counsel for review. The CEO and District Counsel shall review the complaint to determine whether there is a sufficient basis for further action.

- 6.17.1. If a complaint fails to articulate a sufficient basis for further consideration, the complainant and the accused Board member will be so advised and the matter shall be deemed concluded.

- 6.17.2. If a complaint adequately articulates a sufficient basis for further action, the CEO and District Counsel shall present the complaint to the Chair of the Board. In the event the subject of the complaint is the Chair, the Vice Chair shall be presented with the complaint. The CEO and District Counsel may recommend to the Chair or Vice Chair that:

- 6.17.2.1. Fact finding as to the complaint should be conducted; or

- 6.17.2.2. Informal resolution of the complaint should occur; or

- 6.17.2.3. An independent investigation of the complaint should occur.


Governance Policies of the Board

- 6.18. Prior to the determination by the Chair or Vice Chair to proceed with an investigation, the accused Board member must be given a reasonable opportunity to meet with the Chair or Vice Chair or to provide a written response to the complaint. In deciding whether or not to open an investigation, the Chair or Vice Chair should consider:
- 6.18.1. Whether an investigation may compromise investigations regarding the same alleged misconduct and if the misconduct may result in criminal charges, whether the right of the accused Board member to a fair jury trial may be compromised by proceeding with an investigation.
 - 6.18.2. If persons involved in the allegation may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full and impartial picture of the alleged events.
 - 6.18.3. Measures to protect the rights of the member accused of misconduct, the non-Board member making such allegations, and those who have information regarding the allegations.
- 6.19. Investigations
- 6.19.1. If the Chair or Vice Chair determines that an investigation is warranted, upon notification of the Board, District Counsel may be directed to conduct an investigation, and District Counsel may select and manage an independent investigator to assist in conducting such investigation.

Alternatively, at the discretion of the Chair or Vice Chair, the Board's Ethics and Conduct Ad Hoc Committee (as described in Section 6.9.2 of the Board's Governance Policies) shall select an independent investigator to conduct the investigation.
 - 6.19.2. In the course of the investigation, District Counsel shall determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his/her knowledge of the facts surrounding the complaint. Within ninety (90) days of the date an investigation begins, District Counsel shall inform the Board of the investigation's progress. Investigations should be completed within six (6) months from the date the investigation begins; however, in the event the investigation cannot be completed within the six (6) month time period, District Counsel shall so notify the Board.
 - 6.19.3. At the conclusion of the investigation, the results of the investigation shall be presented in writing to the Chair or Vice Chair. If the Chair or Vice Chair is satisfied with the completeness of the investigation, the Chair or Vice Chair shall provide the Board with findings and any recommendations. Following such findings and recommendation, any individual Board member may file a request for admonition, sanction, or censure.

Governance Policies of the Board

- 6.19.4. If the Chair or Vice Chair determines that an investigation is not warranted, the complainant and the Board shall be notified. Following such notification, any Board member may file a request for admonition, sanction, or censure as set forth in sections GP-6.12, GP-6.13, or GP-6.14 of this policy, save and except that whenever the term “Committee” appears therein, the term “Chair” or “Vice Chair” shall be applicable.
- 6.19.5. Should any Board member file a request for admonition, sanction, or censure following the Chair or Vice Chair’s findings and recommendations or determination that an investigation is not warranted as set forth in sections GP-6.19.1 through GP-6.19.4 above, the matter shall thereafter be considered by the Board at its next public meeting subject to the restrictions of section GP-6.14.5, above.

	Anti-Discrimination, Harassment, Abusive Conduct, and Retaliation Policy	DOCUMENT NO.: AD - 2.8
		REVISION: B
		EFFECTIVE DATE: Nov. 22, 2019
		PROCESS OWNER: Anna Noriega
Page 1 of 11		

Downloaded or printed copies are for reference only. Verify this is the current version prior to use. See the District website for released version.

1. POLICY STATEMENT

Santa Clara Valley Water District (“Valley Water”) is committed to providing all its employees with a work environment free of discrimination, harassment, abusive conduct, and/or retaliation (“Prohibited Behavior”). Valley Water prohibits discrimination and harassment based on race, color, national origin (including language use restrictions), ancestry, religion, religious creed (including religious dress and grooming practices), gender, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, or breastfeeding), disability (mental and physical, including HIV or AIDS), citizenship status, medical condition (cancer and genetic characteristics), genetic information, marital status, military and veteran status, political affiliation, sexual orientation, gender identity and gender expression, age (40 and over), political affiliation, parental status, the exercise of family care leave rights, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation or any other basis protected by federal, state, or local law (“Protected Categories”).

No employee is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in Valley Water business. Valley Water strictly enforces a Zero Tolerance Policy for harassment or discrimination based upon one’s protected status (e.g., race, gender, age, national origin, etc.). Valley Water also strictly enforces a Zero Tolerance Policy for retaliation and/or abusive conduct. Zero Tolerance means Valley Water will take immediate and effective action, when appropriate, calculated to stop the conduct that violates this Policy.

Employees are subject to discipline, up to and including discharge, for failure to comply with this Policy. Temporary workers, interns and others conducting business for Valley Water are subject to release from their assignments for violations of this Policy. Temporary workers, interns, and others conducting business for Valley Water are protected against the Prohibited Behavior defined in this policy.

A. Prohibited Behavior

The following, either together or individually, constitute Prohibited Behavior:

1. Discrimination

Adverse employment actions related to hiring, promotions, assignments, performance management, and other terms and conditions of employment where membership in a Protected Category is a substantial motivating reason for the action. Discrimination is a Prohibited Behavior.

2. Retaliation

Valley Water strictly prohibits retaliation against any person by another at Valley Water for:

- making a non-malicious and non-frivolous internal complaint about an allegation of discrimination, harassment, abusive conduct, or retaliation;
- utilizing the complaint procedure of any state or federal agency to report discrimination, harassment, or retaliation;
- opposing discrimination, harassment, abusive conduct, or retaliation;
- reporting discrimination, harassment, abusive conduct, or retaliation;

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- requesting an accommodation for religious practice or disability; or
- for filing, testifying, assisting, or participating in any manner in any investigation, proceeding or hearing conducted by Valley Water or a governmental enforcement agency relating to this policy or any state or federal anti-discrimination laws or regulations.

This means that any employee who participates in the protected activity described above shall not be adversely affected or discriminated against in their terms and conditions of employment *because of* their involvement in the protected activity. “*Because of*” means that the employee’s involvement in the protected activity must be a substantial motivating reason behind the prohibited retaliatory conduct. In short, there must be a causal connection.

Prohibited retaliation includes, but is not limited to: termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making an employment decision, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit to the person engaging in the protected activity. Prohibited retaliation includes any conduct that is reasonably likely to impair an employee’s job performance or prospects for advancement or promotion. Prohibited retaliation does not include minor or trivial actions or conduct that is not reasonably likely to do more than anger or upset an employee.

Valley Water does not consider conduct in violation of this Policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including management employees. Employees found to have engaged in retaliatory conduct are subject to disciplinary action. Retaliation is a Prohibited Behavior.

3. Harassment


Harassing conduct may include, but is not limited to: verbal harassment (obscene language, demeaning conduct, slurs, or threats); physical harassment such as unwanted touching, assault, or actual physical interference with normal work; visual harassment (offensive posters, drawings, photographs, cartoons, or objects); unwanted sexual advances; and other communicative harassment (offensive emails, text messages, internet postings, letters, etc.) because of a Protected Category. Harassment is a Prohibited Behavior.

4. Hostile Work Environment

A hostile work environment exists where one is subjected to unwanted harassing conduct because of his or her Protected Category, where the harassing conduct is severe or pervasive, where one considers the work environment to be hostile or abusive as a result of the conduct, and where a reasonable person in the same circumstances would also have found the environment to be hostile or abusive. Creating a Hostile Work Environment is a Prohibited Behavior.

5. Abusive Conduct

Valley Water employees, including managers, shall refrain from any malicious conduct that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interest. Valley Water’s legitimate business interests include employees being held

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accountable for timeliness, meeting deadlines, producing deliverables adequately, and other general work responsibilities, among other things.

Examples of abusive conduct include, but are not limited to, repeated infliction of verbal abuse, such as the use of malicious, derogatory remarks, insults, epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating, or the intentional sabotage or undermining of a person's work performance.

Abusive Conduct that is substantially motivated by one's Protected Category may constitute harassment. Abusive Conduct is a Prohibited Behavior.

B. Malicious Complaints

Valley Water will not tolerate malicious complaints. Complaints/concerns will not be considered malicious merely because they are determined to be unsubstantiated. A malicious complaint/concern is one that is made in bad faith or with knowledge that the complaint entirely lacks any factual basis. Malicious complaints may result in disciplinary action, up to and including termination.

C. Complaint Process

Employees or other covered parties who believe they have been subjected to Prohibited Behavior, whether specifically noted as an inappropriate behavior as described in this policy, should immediately report the offensive behavior to their supervisor, a member of the management team or Ethics and Equal Opportunity Programs staff (EEOP). Incidents not immediately reported can be reported up to 365 days from the date of the last occurrence or event. This period may be extended up to 90 days if the person allegedly aggrieved by the discrimination first obtained knowledge of the facts after expiration of the 365-day period. Beginning on January 1, 2020, incidents may be reported 3 years after the date of the last occurrence or event. This 3 year period may be extended up to 90 days if the person allegedly aggrieved by the discrimination first obtained knowledge or facts after expiration of the 3 year period.

If an employee or other covered party is aware, either directly or indirectly, of Prohibited Behavior engaged in or suffered by another, regardless of whether such conduct directly affects them, they should immediately report that information to their supervisor, a member of the management team, or EEOP staff.

Supervisors and managers must refer all complaints of misconduct as described herein to EEOP in Human Resources (Office of Talent and Inclusion).

Complaints against the Chief Executive Officer, the Chief People Officer, the Ethics Officer, or a member of the Board will be immediately referred to District Counsel's office for resolution.

Complaints should include details of the incident(s) such as names of individuals involved, the timeframe during which incident(s) occurred, and the names of any witnesses. No adverse action will be taken against an employee who makes a report or cooperates in the investigation of a report of Prohibited Behavior.



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EEOP staff shall have access to all information deemed necessary to determine to the validity of a complaint.

Once a complaint is received, EEOP will determine if the complaint requires a consultation, initial inquiry, or full investigation. If EEOP determines the need for a full investigation, it is Valley Water's policy is to conduct a timely, thorough, and impartial investigation of all Prohibited Behavior claims. The investigation will be conducted by qualified personnel, documented, and tracked for reasonable progress and concluded in a timely manner.

After the investigation, EEOP will make a determination as to whether a violation of this policy has occurred. Valley Water will look at the totality of the circumstances, including the nature of the conduct and the context in which it occurred. Valley Water will then timely communicate the findings to the complainant and respondent, and when appropriate, to other persons who are directly concerned.

If it is determined that Prohibited Behavior has occurred, Valley Water will take remedial action commensurate with the severity of the offense. This action may include corrective action against the respondent, up to and including termination. Steps will be taken, as necessary, to prevent any further Prohibited Behavior from occurring.

With the exception of Abusive Conduct claims, all complainants, including those not satisfied with Valley Water's resolution, may pursue a complaint or file concurrently with the Department of Fair Employment and Housing (DFEH) and/or the U.S. Equal Employment Opportunity Commission (EEOC). Federal law typically requires the employee to file an administrative charge with the EEOC within 180 days from the date of the discriminatory violation. California's Fair Employment and Housing Act gives the employee one year to file such a charge with DFEH.

D. Right to Representation

The complainant and the respondent have the right to representation at each step of the process by a person of their choice.


E. Confidentiality

Information gathered by EEOP during an investigation will be kept confidential to the extent possible, but complete confidentiality cannot be guaranteed.

F. Communication & Training

To ensure all employees are aware of their role in support of a work environment free of Prohibited Behavior, EEOP staff will send all employees this Policy on an annual basis. New employees will be required to sign an acknowledgement of receipt. The Policy will also be posted on Valley Water's intranet and on bulletin boards in all Valley Water facilities.

In keeping with its commitment to a harassment and discrimination free environment, Valley Water will comply with all applicable rules and regulations regarding the training of employees.

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All new hires and temporary workers will attend an EEO orientation during which they will receive a copy of this Policy and guidance in support of this Policy.

2. PURPOSE

To prevent Prohibited Behavior in the workplace, to enable employees to report Prohibited Behavior before it becomes severe or pervasive, and to stop Prohibited Behavior before it rises to the level of a violation of Valley Water's policies or state or federal law.

3. SCOPE, ASSUMPTIONS & EXCEPTIONS

This Policy applies to all employees (both unclassified and classified), contractors, consultants, temporary employees, and interns.

4. ROLES & RESPONSIBILITIES

General

- Employees who are involved in personnel decisions (including job interviews, candidate selection, and employee progressive disciplinary proceedings) and in business decisions (including all decisions concerning procurement activities, contracting, and service agreements) are expected to be knowledgeable of equal opportunity requirements and comply with them in conducting their responsibilities.
- Managers, supervisors, and all other employees are required to cooperate fully with an investigation and resolution of all Prohibited Behavior discrimination or harassment complaints.

Supervisors and Managers

- Are charged with the responsibility of ensuring that the employees they supervise are not subjected to Prohibited Behavior. They are also responsible for taking timely and effective action calculated to stop Prohibited Behavior about which they are aware, and for taking proactive steps to identify and eradicate Prohibited Behavior of which they should be aware.
- Upon receipt of a complaint, the supervisor or manager must notify EEOP that a harassment complaint has been received.
- Upon awareness of potential Prohibited Behavior, the supervisor or manager must notify EEOP.
- Under this policy, ignorance of Prohibited Behavior is not necessarily an acceptable defense for inaction if the manager or supervisor, through reasonable diligence, should have been aware of the problem.
- Corrective measures taken by Valley Water in response to Prohibited Behavior must attempt to stop the Prohibited Behavior and ensure that the workplace will remain free of Prohibited Behavior. If warranted under the circumstances, supervisors and managers may be subject to discipline for failure to carry out their duties in enforcing this policy even if they have not personally engaged in Prohibited Behavior. In addition, the law provides that managers and supervisors may be held personally responsible in a civil suit if they have engaged in or allowed Prohibited Behavior.

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- In consultation with EEOP, must deal proactively with possible Prohibited Behavior situations, process complaints immediately, and take appropriate corrective or disciplinary action against the employee whose conduct violates this policy.
- Are required to take positive steps to comply with this policy. They are required to be aware of potential Prohibited Behavior situations, quickly resolve any Prohibited Behavior issues that arise, and refrain from retaliation or any other Prohibited Behavior against any employee involved in the filing, investigation, or resolution of a Prohibited Behavior claim.
- Must not minimize or otherwise discourage employees from reporting such complaints.

Employee

- Employees who feel they have been the target of Prohibited Behavior in any way may tell the offender that they find such behavior offensive, that such behavior is against Valley Water policy, and that they should immediately stop the behavior.
 - If the employee is uncomfortable taking this action, or if the conduct does not stop after the warning has been given, the employee should immediately contact their supervisor or manager. Employees are not required to confront the offender, but are required to report the behavior.
 - If the employee cannot or does not want to seek help from their supervisor or manager, the employee should contact EEOP staff in Human Resources or higher-level management for assistance.
- If employees or other covered parties are aware of Prohibited Behavior engaged in or suffered by another, regardless of whether such Prohibited Behavior directly affects them, they should immediately report that information to their supervisor, a member of the management team or EEOP staff.

Ethics & Equal Opportunity Programs

- Ensure that when EEOP determines an investigation is necessary, qualified personnel conduct a timely, and thorough investigation that is fair to the employees involved and reaches a reasonable conclusion based on the facts.
- Develop and uphold a process for responding to complaints that is timely, impartial, thorough, and confidential to the extent permissible by law.
- Refer policy violations to Labor Relations Unit or management, as appropriate.
- Complaints are appropriately documented and tracked for reasonable progress and resolution.
- Resolve non-investigation matters at the lowest possible level, including, but not limited to, addressing an employees' conduct with the employee and/or the employees' manager or supervisor.

5. REQUIREMENTS

a. Governance Policies

EL-8 Inclusion, Equal Employment Opportunity, Discrimination/Harassment Prevention, and Diversity. The BAOs shall promote conditions that ensure a work environment that is

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diverse and inclusive, free of discrimination and harassment, and that provides equal opportunity employment. Further a BAO shall:

8.2 Not allow District's employees, agents, or contractors to discriminate, harass, or allow harassment against any applicant, employee, customer or other person on the basis of sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding, race, religion, color, national origin (including language use restrictions), ancestry, religious creed (including religious dress and grooming practices, political affiliation, disability (mental and physical, including HIV or AIDS), medical conditions (cancer and genetic characteristics), genetic information, marital status, parental status, gender, age (40 and over), pregnancy, military and veteran status, sexual orientation, gender identity and gender expression, the exercise of family and medical care leave, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation.

With respect to employees, these requirements apply to employment actions which include, but are not limited to, the following: recruitment, hiring employment, utilization, promotion, classification or reclassifications, transfer, recruitment, recruitment advertising, evaluation, treatment, demotion, layoff, termination, rates of pay or other forms of compensation, and selection for professional development training (including apprenticeship).


8.3 Require employees at all levels of District employment be aware that they share in the responsibility to ensure a work environment free of discrimination and harassment prohibited by this policy.

8.6 Not allow potential barriers to employment of members of protected groups to exist within an individual BAO's authority.

Accordingly:

11.1. The Board and its members will not discriminate, harass, or allow harassment against any applicant, employee, customer, or other person on the basis of sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), race, religion, color, national origin (including language use restrictions), ancestry, religious creed (including religious dress and grooming practices, political affiliation, disability (mental and physical, including HIV or AIDS), medical condition (cancer and genetic characteristics), genetic information, marital status, parental status, gender, age (40 and over), pregnancy, military and veteran status, sexual orientation, gender identity and gender expression, the exercise of family and medical care leave, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation.

11.3. The Board will require that the organization's work environment be one in which all people are welcomed and included, and in which all individuals are unique and important and are treated with fairness and dignity.

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b. Governing Laws

- The Age Discrimination in Employment Act of 1967
- The Equal Pay Act of 1963
- Title VII of the Civil Rights Act of 1964
- Title I Americans with Disabilities Act of 1990 (ADA)/ADAAA
- Fair Employment and Housing Act
- The Pregnancy Discrimination Act
- The Genetic Information Nondiscrimination Act of 2008 (GINA)

c. Other Requirements (District Policies, MOUs, Standards, etc.)

Memorandum of Understanding between Santa Clara Valley Water District and Employees Association (AFSCME – Local 101). To be administered in accordance with District Policies and Procedures.

Memorandum of Understanding between Santa Clara Valley Water District and Engineers' Society (IFPTE – Local 21). To be administered in accordance with District Policies and Procedures.

Memorandum of Understanding between Santa Clara Valley Water District and Professional Managers Association (IFPTE – Local 21). To be administered in accordance with District Policies and Procedures.

6. ASSOCIATED FORMS & PROCEDURES


DOCUMENT TITLE/ID #	DOCUMENT LOCATION(S)
California Sexual Harassment Brochure DFEH-185	Ethics & Inclusion Intranet Page
Policy Complaint Form	Ethics & Inclusion Intranet Page

7. DEFINITIONS

Abusive Conduct - Malicious conduct that a reasonable person would find hostile, offensive, and unrelated to Valley Water's legitimate business interests. Examples of abusive conduct include, but are not limited to, repeated infliction of verbal abuse, such as the use of malicious, derogatory remarks, insults, epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating, or the intentional sabotage or undermining of a person's work performance.

Causal Connection – An employee's involvement in protected activity must be a substantial motivating reason behind the prohibited retaliatory conduct.

Complainant – The person submitting an allegation, claim, concern or information to EEOP indicating a possible breach of Valley Water rules or policies.

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Discrimination – Adverse employment actions related to hiring, promotions, assignments, performance management, and other terms and conditions of employment where membership in a Protected Category is a substantial motivating reason for the action.

Employee – Any individual appointed by the Board, Board Appointed Officer, or a designate, as a regular employee of Valley Water and for purposes of this policy includes temporary or intermittent workers.

Hostile Work Environment – Severe or pervasive actions, communications, or behavior that discriminate against a Protected Category such as age, religion, disability, or race. “Severe or pervasive” means conduct that alters the conditions of employment and creates, based on the totality of the circumstances, an abusive work environment.

Investigative Findings – Determinations made based on the preponderance of evidence found in the investigation. A preponderance of evidence means it is more likely than not that the allegation(s) did or did not occur.

Exonerated – Possible finding in an investigation that indicates that the alleged conduct or failure to act was found to be true; however, such conduct either was appropriate under the circumstances or was not found to constitute a violation of the applicable provisions of the rule and/or policy.

Not Sustained – Possible finding in an investigation which indicates that the alleged misconduct could neither be proved or disproved, given the existing evidence.

Sustained – Possible finding in an investigation which indicates that the alleged misconduct is found to have occurred, and, where applicable, to have violated an applicable rule and/or policy.

Unfounded – Possible finding in an investigation which indicates that the alleged misconduct revealed conclusively that the alleged act did not occur.

Protected Categories – race, color, national origin (including language use restrictions), ancestry, religion, religious creed (including religious dress and grooming practices), gender, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, or breastfeeding), citizenship status, disability (mental and physical, including HIV or AIDS), medical condition (cancer and genetic characteristics), genetic information, marital status, military and veteran status, political affiliation, sexual orientation, gender identity and gender expression, age (40 and over), political affiliation, parental status, the exercise of family care leave rights, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation.

Prohibited Behavior – Discrimination, harassment, sexual harassment, abusive conduct and/or retaliation all as defined herein.



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Sexual Harassment – Sexual harassment prohibited by this policy includes any unwanted sexual advances, requests for sexual favors or visual, verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonable interference with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

The following is a partial list of conduct that would be considered sexual harassment:


- Unwanted sexual advances or propositions;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening retaliation after a negative response to sexual advances;
- Visual conduct such as leering, making sexual gestures, displaying offensive, derogatory, obscene, or sexually suggestive objects, e-mails, computer graphics or images, unwelcome notes or letters, photographs, cards, drawings, pictures, cartoons, calendars, or posters placed on walls, bulletin boards or elsewhere on Valley Water premises or circulated in the workplace;
- Verbal conduct such as making or using derogatory sexual comments, epithets, slurs, sexually explicit jokes, negative stereotyping, comments about an employee's body or dress;
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual;
- Written communications of a sexual nature, including but not limited to, suggestive, or obscene letters, notes, or invitations distributed in hard copy, via computer or other means;
- Physical conduct such as assaults, impeding or blocking movements, and/or unwelcome physical contact.

Sexual harassment can occur between persons who identify as the same or different sex or gender.

Other Types of Harassment

- Harassment on the basis of sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), race, religion, color, national origin (including language use restrictions), ancestry, religious creed (including religious dress and grooming practices), political affiliation, disability (mental and physical, including HIV or AIDS), medical conditions (cancer and genetic characteristics), genetic information, marital status, parental status, gender, age (40 and over), pregnancy, military and veteran status, sexual orientation, gender identity and gender expression, the exercise of family and medical care leave, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation is also prohibited.

Such prohibited harassment includes but is not limited to the following examples of offensive conduct:

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- Verbal conduct such as threats, epithets, derogatory comments, or slurs.
- Threatening, intimidating, coercing, or otherwise interfering with the job performance of fellow employees or visitors.
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures.
- Written communications containing statements that may be offensive to individuals in a protected group, such as racial or ethnics stereotypes or caricatures.
- Any logos or graphics worn by employees that reflect any form of violent, discriminatory, abusive, offensive, demeaning or otherwise unprofessional message.
- Physical conduct such as assault, unwanted touching or blocking of normal movement.
- Retaliation for making harassment reports or threatening to report harassment.

8. CHANGE HISTORY

DATE	REVISION	COMMENTS
8/1/2003	A	Incorporating Administration Policy to meet current ISO requirements of separating policy from process per W423D09 Administrative Policy Development, Update, Adoption and Removal Process.
11/22/2019	B	Updated to include Abusive Conduct, updated definitions, complaint procedure.

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Santa Clara Valley Water District

File No.: 23-0780

Agenda Date: 8/15/2023
Item No.: 4.5.

COMMITTEE AGENDA MEMORANDUM Diversity & Inclusion Ad Hoc Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Review Diversity and Inclusion Ad Hoc Committee 2023 Work Plan and Confirm the Next Meeting Date.

RECOMMENDATION:

- A. Review the 2023 Diversity and Inclusion Ad Hoc Committee Work Plan and make adjustments as necessary; and
- B. Confirm the next meeting date.

SUMMARY:

Work Plans are created and implemented by all Board Committees to increase efficiency, provide advanced public notice of intended Committee discussions, and enable improved follow-up by staff. Work Plans are dynamic documents managed by Committee Chairs and are subject to change. Committee Work Plans also assist staff with the preparation of agenda items and the Committee's Annual Accomplishments Report.

The Diversity & Inclusion Ad Hoc Committee (Committee) Work Plan contains suggested topics for discussion based on information from the following sources:

- Items referred to the Committee by the Board;
- Items requested by the Committee to be brought back by staff;
- Items scheduled for presentation to the full Board of Directors; and
- Items identified by staff.

The 2023 Committee Work Plan (Attachment 1) is presented for the Committee's review and provides an opportunity for the Committee to request additional items for discussion during future meetings.

Committee meetings are currently proposed to occur quarterly the fourth Thursday of the month or at

the call of the Committee Chair. Staff is requesting confirmation of the remaining 2023 regular meeting date of October 26, 2023.

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

ATTACHMENTS:

Attachment 1: 2023 D&I Ad Hoc Committee Work Plan

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193

(PROPOSED) 2023 DIVERSITY & INCLUSION AD HOC COMMITTEE WORK PLAN												
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
REDI Office												
DEI Strategic Master Plan Implementation Update	CANCELED			CANCELED	X		RECESS					
Historical Key Decisions to Advance Environmental Justice					X			X				
Naming/Renaming of Valley Water Facilities					X					X		
Tribal Land Acknowledgement												
Human Resources:												
Next Generation Career Pathway								X				
Veterans Outreach								X				
Standing Items:												
Election of Committee Officers (Annually)					X							
2022 D&I Ad Hoc Committee Accomplishment Report (Annually)					X							
Approval of Minutes (previous meeting)					X			X				
Review Committee Work Plan - Confirm items for next meeting					X			X				

2023 Meetings are scheduled to occur as shown below, or at the call of the Committee Chair.

Thursday, January 26, 2023 - Canceled

Friday, April 28, 2023 - Special Meeting - Canceled

Friday, May 26, 2023 - Special Meeting

Thursday, July 27, 2023 - Recess

Tuesday, August 15, 2023

Thursday, October 26, 2023

Blue Strikes - are new entries; **Red Strikes** - are deleted entries.

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