

LACDP RULES COMMITTEE

January 14, 2020

AGENDA

I. Call to Order

II. Adoption of the Agenda

In public hearings, each speaker shall be limited to one opportunity to speak and two minutes unless the Committee votes to extend the time. All time in addition to answering any questions. Answers are limited to one minute.

III. Hearing on Redistricting

The Committee will take testimony.

Speakers are encouraged to submit written comments to drexel.heard@lacdp.org NLT Wednesday, January 13th at 5:00pm and to supplement their written comments verbally.

The current bylaws were adopted before we had four year terms and, thus, do not address mid-term redistricting. Speakers are encouraged to address the following points:

- The bylaws currently provide for membership to terminate only if a member leaves LA County, not her/his assembly district. This rule is proposed to continue in force so that even if a member is districted out of the district in which she/he/they were elected, the member would continue to serve, only in the new AD of residence
- The bylaws currently provide for 5-7 regions and for the Policy Committee to determine regions only in connection with the Organizational Meeting. We propose agendizing these rules for reconsideration once the redistricted maps are finalized.
- The current bylaws provide for a delegation to recommend filling vacancies with anyone eligible as the delegation sees fit. With redistricting, there will be more wholesale vacancies and some delegations may be very small once individuals who are districted out are moved to a new district. The existing rule is proposed to be supplemented, for purposes of the redistricting-related vacancies, with tiers of replacements based, to a degree, on the process used for electing DSCC members.
 - First, any delegation vacancies will be filled by alternates living in the new AD. If there are more eligible alternates than vacancies, the delegation will vote on its recommendations among only the eligible alternates. If there are more vacancies than eligible alternates, the eligible alternates will be deemed elected and the process will continue to tier two.

- Second, any remaining delegation vacancies will be filled by associate members living in the new AD. If there are more eligible associate members than unfilled vacancies, the delegation will vote on its recommendations among only the eligible associate members. If there are more unfilled vacancies than eligible associate members, the eligible associate members will be deemed elected and the process will continue to tier three.
- Third, any remaining delegation vacancies will be filled by ADEMS delegates who are not already members and are willing to serve. The unfilled vacancies will be filled based on the number of votes received by the ADEM delegates.
- Fourth, if there are any remaining unfilled vacancies, they will be filled by the current delegation voting methodology. By this time, the number of such vacancies will be quite small.
- To reduce mischief-making that would arise from the shuffling of alternates and associate members at the last minute based on knowledge of the upcoming vacancies, to be an eligible alternate or associate member one must be an alternate or associate member at the time of the meeting at which vacancies are filled and as of a date certain before the final AD configuration is adopted. It is proposed that this date be sometime between April 1, 2021 and July 1, 2021, but input on an appropriate date is solicited.

IV. Proposal on Adding President & Vice-President as Ex Officio Members

The proposal is before the Committee for adoption, after hearing from any speakers.

V. Procedural Rules for Harassment, Workplace Violence and Incivility Committee

These procedures are before the Committee for adoption, after hearing from any speakers.

VI. Procedural Rules for Policy Committee on Matters Submitted to Harassment, Workplace Violence and Incivility Committee

These procedures are before the Committee for adoption as a recommendation to the Policy Committee, after hearing from any speakers

VII. Changes to 2021 Work Plan

- Addition of Tuttle proposal on bylaws amendments re Code of Conduct to fourth quarter 2021 agenda items
- Deferral of DSCC election date proposals, presently scheduled for the first quarter of 2021, to third quarter 2021 agenda items
- Review of 2021 Work Plan as revised

VIII. Adjournments in Memory & Adjournment

**LACDP Rules Committee
Amendment Submission for Consideration**

Submitted by: Garry Shay & Laurence Zakson

ARTICLE II. MEMBERSHIP

Section A. TYPES OF MEMBERS

There are five (5) types of members of This Committee: Elected Members, Appointed Members, Ex-Officio Members (all of which are classified as "Regular Members"), Alternate Members, and Associate Members. Their rights and duties are as specified within.

* * *

3. Ex-Officio Members

a. Ex-Officio Members of This Committee shall be the following, if registered to vote in Los Angeles County:

(i) Incumbent office holders of the following offices who are registered to vote as Democrats:

United States President, United States Vice President, United States Senate, United States House of Representatives, a California state constitutional office, the California Assembly or the California State Senate; the Los Angeles County Sheriff, the Los Angeles County District Attorney, the Los Angeles County Assessor, or a member of the Los Angeles County Board of Supervisors;

**INTERNAL OPERATING PROCEDURES FOR
COMPLAINTS OF DISCRIMINATION OR HARASSMENT
OF OR BY AN EMPLOYEE OR MEMBER**

A. Definitions

With respect to this policy, the following definitions apply:

- “Gender” shall mean a person's actual or perceived sex and includes a person's perceived identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person's sex at birth.
- “Gender Identity” and “Gender Expression” shall mean a person’s identity or expression whether or not that identity or expression is different than a person’s sex at birth and includes being transgender or a gender non-conforming individual.
- “Respondent” shall mean an individual alleged to have committed acts in violation of this policy.
- “Sex” shall mean the biological condition of being a female or male
- “Sexual Orientation” shall mean actual or perceived heterosexuality, homosexuality, or bisexuality. However, some individuals may use alternative terms to describe their sexual orientation.
- “Complaint Manager” is a LACDP officer, employee, or designee responsible to respond to any complaints of discrimination and/or harassment filed in accordance with LACDP policy.

B. Responsibility for Implementation

The LACDP shall:

- Communicate with and ensure that LACDP employees, officers, applicants, volunteers, interns, members, independent contractors, and persons providing services pursuant to a contract are informed of this policy, which requires the promotion of mutual respect and acceptance and prohibits discrimination and harassment.
- Provide LACDP employees, officers, applicants, volunteers, members and interns with information about the reporting procedures for targets of or witnesses to discrimination or harassment.
- Distribute any applicable policies to the appropriate recipients.
- Provide training to LACDP management regarding the antidiscrimination policy, including information on how to respond, intervene, and report violations of this policy.
- Respond quickly to any complaints of harassment and/or discrimination and take action to address the behavior, as well as provide support, information, and options to employees, applicants, volunteers, interns and others regarding discrimination and/or harassment.
- Instruct LACDP managers and officers on procedures to intervene immediately to witnessed events and take action to address harassment and/or discrimination.

LACDP officers, members and employees shall:

- Share responsibility for modeling appropriate behavior and creating an environment where members and staff know that harassment and/or discrimination will not be tolerated.
- Support the LACDP's efforts to prevent harassment and/or discrimination, including, where appropriate, by taking steps to intervene immediately when such actions occur.
- Encourage anyone alleging that he or she is a target of, has witnessed, or has information about harassment and/or discrimination to report such an incident.
- Report such situations/incidents to the LACDP's Designated Complaint Manager or other person identified in LACDP policy when severe, frequent, or pervasive.
- Cooperate in any investigation of a harassment and/or discrimination complaint.
- Guard against any actions that would be considered retaliatory against an employee or member who has filed or is participating in the investigation of a harassment and/or discrimination complaint.

C. Notification Dissemination – Posting & Publication

Notification - Posting

- Anti-Discrimination Policies concerning employees shall be posted where employee notices are ordinarily posted.

Notification – Publication

- Anti-discrimination policies concerning employees shall be included in any publication (e.g. Staff Handbook) that sets forth the LACDP's comprehensive rules, regulations, procedures, and standards of conduct.
- All anti-discrimination policies shall be distributed to appropriate recipients at the commencement of the relevant relationship and, in the case of employees, officers, applicants, volunteers, interns annually thereafter.

D. Complaint Procedures to Be Used by the Complaint Manager

When a complaint or a report of discrimination and/or harassment is received, it shall be given immediate attention. Described below are the preferred methods of responding to such complaints.

1. Any written or oral report of discrimination and/or harassment is to be considered a complaint and must be addressed. This includes anonymous reports, oral or written. If the anonymous report contains sufficient information to identify an alleged target(s) and/or accused person(s), then a reasonable effort must be made to investigate and address the allegations.
2. A written complaint of discrimination and/or harassment should be filed within six months of the last occurrence or when knowledge of the complaint was first obtained. A complainant making a verbal complaint will be assisted by LACDP personnel or other persons identified in LACDP policy in making a written complaint. A written complaint should contain the following information:

- a. The specific facts about the complaint which may be helpful to the complaint investigator including, but not limited to the following: nature of the complaint, names of those involved, witnesses, and dates/places of occurrences.
 - b. The specific relief being sought.
 - c. Any other relevant or supportive documentation or information the complainant believes will provide assistance in understanding the complaint.
3. Written complaints should be acknowledged in writing.
4. Whether written or not, the person taking the complaint should assure the target(s) of the discrimination and/or harassment **IN WRITING** that the LACDP takes allegations of discrimination and harassment seriously, will not tolerate such treatment, and has strong policies against discrimination and harassment.
5. Obtain specific information relevant to the complaint such as where, when, and the frequency with which the incident(s) occurred, as well as the identities of the alleged accused person(s) and any witnesses. Request that the complainant(s) provide a written statement.
6. Provide the target(s) of the discrimination and/or harassment with written assurances regarding confidentiality and non-retaliation.
7. Assure the target(s) of the discrimination and/or harassment that he/she will not be required to confront the accused person(s) as part of the internal complaint investigation process described in this IOP and that steps will be taken to monitor that the alleged harassing behavior does not continue. Provide the individual with the names of personnel who can help if the situation/incident continues, escalates, or occurs again.
8. Interview the accused person(s) and provide assurances regarding confidentiality and non-retaliation. Request that the accused person(s) provide a written statement.
9. Interview any witnesses identified by the target(s) of the discrimination and/or harassment and the accused person(s) and provide assurances regarding confidentiality and non-retaliation. Request that any witnesses provide a written statement.
10. Provide all parties with a copy of the applicable policy. Be sure that union officers or members are advised that they need to consult the LACDP Constitution and Bylaws to ascertain and understand their duties, rights and responsibilities with respect to internal charges and that they understand that such charges take place outside the context of this investigation.
11. Evaluate complaints of discrimination and/or harassment carefully based on all available information in determining whether the conduct described in the complaint violates the applicable policy, as set forth above. Where it appears that discrimination and/or harassment in violation of the applicable policy has occurred, the administrative steps set forth below shall be observed. Even where it is determined that the alleged conduct does not rise to the level of discrimination and/or harassment in violation of the applicable policy, such conduct may nevertheless be considered inappropriate behavior and may require that corrective actions be taken.

12. Where there are concurrent charges and an investigation under this IOP, seek authoritative advice as to how best to proceed so that neither proceeding/investigation interferes with the other.

Take the following administrative steps in response to a finding that discrimination and/or harassment in violation of this policy has occurred:

1. Monitor to ensure that the conduct does not reoccur, and address any hostile environment that may have been created for the target(s) of the conduct. Response strategies may also involve the initiation of disciplinary proceedings.
2. Inform the complainant(s) in general terms that corrective actions have been or will be taken to resolve the complaint. Specific corrective actions are to be kept confidential. Care must be taken to protect the identity of the accused person(s) and any witnesses.
3. If a target of harassment is targeted based on her/his sexual orientation, gender identity, gender expression, being transgender or a gender nonconforming individual, consult with the target to determine an appropriate way to address the harassing conduct bearing in mind that, in almost every case, the target's sexual orientation and/or gender identity cannot be divulged to others without permission of the target.
4. Monitor and follow up with the target(s) of the discrimination and/or harassment to determine if such conduct has ceased.
5. Use a standardized "Complaint Acknowledgment Form" to document the actions taken to address the complaint and to monitor and assess the effectiveness of those actions.
6. Use the "Incident Report Form - Complaint/Investigation Record" when the conduct is determined to be inappropriate behavior that did not rise to the level of discrimination and/or harassment or when there are no findings of violations of this Policy. Corrective actions may still be necessary and using the form provides a vehicle for the documentation of the investigation and the actions taken.
7. Safeguard these "Incident Report Form - Complaint/Investigation Record" forms by keeping a separate file for the retention of these records. Access to these records is to be restricted to those individuals who have a legitimate need for such access. These records must be kept for five years from the date the complaint was filed.
8. After monitoring and determining that the discrimination and/or harassment has stopped, forward a copy of the completed "Incident Report Form - Complaint/Investigation Record" (redacted if appropriate) to the LACDP's Designated Anti-Harassment Committee.

RULES OF PROCEDURE FOR THE
PROCESSING OF COMPLAINTS PRESENTED TO THE
HARASSMENT, WORKPLACE VIOLENCE AND INCIVILITY COMMITTEE

1. INITIAL REPORT

At the next meeting of the Policy Committee after LACDP's acknowledgement (pursuant to the procedures of the LACDP Harassment, Workplace Violence and Incivility Committee ("HWVIC")) of a complaint/charge ("Complaint") of misconduct arguably covered by LACDP's policies against harassment, workplace violence or LACDP's Code of Conduct, the Convenor shall report the following to the Policy Committee in closed session:

- a. That a Complaint has been filed and the date of receipt thereof;
- b. That an Acknowledgment of Complaint has been sent and the date of sending thereof;
- c. Whether (i) an investigation has been commenced, (ii) upon preliminary review, there has been a determination that the matter should be referred to the HWVIC for possible dismissal or (iii) if no decision whether options (i) or (ii) is applicable has yet been made, when that determination will be made;
- d. Whether any HWVIC recusals have been required and, if so, of whom; and
- e. Whether a determination has been made that an outside investigator is required.

Except if an outside investigator is required, the sole report of this closed session item shall be that the Policy Committee received a report from the Convenor of the HWVIC.

If an outside investigator is required, the Policy Committee will vote, in open session, whether to ratify the Convenor's determination to incur an HWVIC-related investigative expense.

2. Report of Summary Dismissal of Complaint

In the event of a finding by the HWVIC that a Complaint shall be dismissed without investigation, the Convenor shall present, in closed session, the HWVIC's report to the Policy Committee setting forth the general nature of the Complaint, the basis for its dismissal and including a proposed notice to the charging party. After discussion of the proposed disposition and the contents of any proposed notice to the charging party, the Policy Committee shall take up the proposed notice of dismissal of the Complaint in open session.

In open session, the sole motion in order (other than a motion to postpone further proceedings to a time certain) shall be to approve a proposed notice to the charging party of dismissal of the Complaint. The notice shall not be sent until and unless approved by majority vote of the Policy Committee. Failure of the Policy Committee to approve a dismissal shall result in the remand of the Complaint to the HWVIC for investigation. Names of persons involved shall be confidential to the fullest extent consistent with the Open Meetings Rule of the California Democratic Party and the policy statement on the

Open Meetings Rule of the Rules Committee of the California Democratic Party.

3. Progress Review of Complaint Investigation

Unless dismissed under Rule 2, during the pendency of the Complaint and until the conclusion of the investigation and conciliation process in the HWVIC, the Convenor shall, at each Policy Committee meeting report in general terms, in closed session, any of the information set forth in Rule 1 not provided in the initial status report and the status of the investigation and processing of the Complaint since the last status report. No action shall be required on such reports. They shall simply be received and filed in the closed session minutes.

4. Conciliation Agreement

Under the procedures of the HWVIC, the HWVIC will attempt to conciliate any Complaint. If conciliation results in a consensual resolution (“Consensual Resolution”), the Convenor and Complaint Manager shall present to the Policy Committee, in closed session, a summary of the Consensual Resolution. Without further action, the Consensual Resolution will be received and filed in the closed session minutes. After discussion, the Policy Committee shall return to open session to vote on a public summary of the Complaint and Consensual Resolution and any steps necessary to implement the conciliation agreement.

Any motions summarizing the Complaint and Consensual Resolution and implementing the conciliation agreement shall require a majority vote in open session. The disclosure of the names of any persons involved in a conciliation agreement shall, unless a part of the conciliation agreement itself, require a 60% majority.

5. Report of Results of Investigation and Recommendations from HWVIC Where There is No Conciliation Agreement

After the conclusion of the investigation, if there has been no conciliation, the HWVIC shall submit a written summary of the investigation and shall also report its recommendations as to the disposition of the Complaint. These shall be reviewed in closed session.

If a majority of the Policy Committee determines that a hearing is necessary, the Policy Committee shall, in closed session, direct the time, date, location and form and process for the hearing. If a hearing is directed, the Policy Committee shall direct that a closed session hearing be placed on its agenda at the meeting of the Policy Committee at which the hearing is to take place.

If no hearing is directed, the matter shall be determined in accordance with Rule 6 based on the written summary of the investigation and recommendations from the HWVIC.

6. Disposition of Charges

If a hearing is directed or if the Policy Committee determines that it will proceed without a hearing, the following issues shall be determined in closed session, with all votes on all motions publicly reported. The names of all persons involved in the Complaint shall be kept confidential to the extent deemed appropriate by the Policy Committee; provided that the disclosure of the names of any involved persons shall require a 60% majority.

- a. The first questions shall be whether the charged party engaged in the misconduct alleged and whether that misconduct constitutes a violation of the LACDP's policies against harassment and/or workplace violence or a violation of the Code of Conduct. These questions may be divided upon the request of any two members of the Policy Committee in good standing.

A finding that a charged party engaged in misconduct in violation of the LACDP's policies against harassment and/or workplace violence or a violation of the Code of Conduct shall require a 60% affirmative vote.

- b. A finding that a charged party engaged in misconduct in violation of the LACDP's policies against harassment and/or workplace violence or a violation of the Code of Conduct shall carry as a minimum penalty a private reprimand, coaching concerning the LACDP's policies against harassment and workplace violence and its Code of Conduct, and such additional training or coaching as the Policy Committee may, by majority vote, deem appropriate.
- c. Any greater penalty shall require a separate motion adopted by a 60% majority of the Policy Committee.
- d. In the event the violation at issue involves solely the Code of Conduct and not, as well, the policies against harassment and/or workplace violence, a greater than minimum penalty shall be restricted to a second or subsequent violation.

No motion to terminate the membership of/expel a member shall be in order until and unless the provisions of Article II.C.4, including advance written notice and an opportunity to be heard by the Policy Committee, have been observed.

7. Report of Policy Committee to Membership

Any report of the action of the Policy Committee disposing of a Complaint shall be adopted by majority vote; provided that any disclosure of the names of any persons involved shall require a 60% majority.

RULES OF PROCEDURE FOR THE
HARASSMENT, WORKPLACE VIOLENCE AND INCIVILITY COMMITTEE

1. Complaint Manager

Except where the Executive Director is a charged party or witness, the Executive Director shall be the Complaint Manager. Where the Executive Director is a charged party or witness, the Convener shall designate another person as the Complaint Manager.

Except where the Chair of LACDP, after consultation with counsel and the countywide officers, has determined that the use of an outside investigator is in the best interest of the LACDP, the Complaint Manager shall conduct the investigation, as well as coordinate the processing of a complaint under these Rules of Procedure.

2. Timing of a Charge

Except as otherwise set forth herein, a complaint must be filed within six months of the most recent act of harassment, discrimination or other violative conduct.

3. Contents of a Charge

A charge shall be in writing and shall specify:

- A. the charging party;
- B. charged party;
- C. the date(s) and time(s) (to the extent practicable) of the relevant events;
- D. the specific misconduct alleged;
- E. the known witnesses;
- F. the relevant documents or who is in possession thereof (to the extent practicable);
- G. the relief sought; and
- H. any other information the charging party believes would be helpful to the investigation.

A charge should also specify why the LACDP has jurisdiction over:

- A. the charged party; and
- B. the events alleged to be violations of the Code of Conduct or operative policy.

If the complaint is oral, the Complaint Manager or a designee shall assist the charging party in embodying the complaint in writing.

If a complaint is anonymous, the Complaint Manager or a designee shall use best efforts to embody the complaint in writing.

4. Acknowledgement of the Complaint

Within three (3) business days of LACDP's receipt of a charge, the Complaint Manager (or designee if required) shall review the charge and do the following:

- A. Refer the charging party to the relevant social service or other resource applicable to victims of the type of misconduct alleged.
- B. Send a letter acknowledging receipt the charge (Acknowledgement Letter). The Acknowledgement Letter shall include:
 - (i) A copy of the Code of Conduct and LACDP's anti-harassment/anti-discrimination policy.
 - (ii) An explicit reference to LACDP's policy against retaliation and how to make a complaint of retaliation.
 - (iii) Notification of the name and contact information for the Complaint Manager.
 - (iv) A statement that LACDP takes allegations of discrimination and harassment seriously, will not tolerate such treatment and has strong policies against such discrimination and harassment.
 - (v) A brief summary of the confidentiality efforts LACDP will make.
 - (vi) A written assurance that the target(s) of the alleged discrimination/harassment will not be required to confront the accuser as part of the Complaint Manager's investigation and that the Complaint Manager will monitor the situation to assure that the complained of conduct does not recur during the investigation.
 - (vii) A written assurance that the complaint will be carefully evaluated and investigated, if there is jurisdiction.

5. Preliminary Review of the Complaint

- A. The Complaint Manager will review the complaint to determine if the complaint is specific enough to be investigated, if the complaint is timely and if there appears to be jurisdiction over the charged party and the incident(s) in question.
- B. The Complaint Manager will then meet with the Convenor to prepare a written notice from the Convenor to the Harassment, Workplace Violence and Incivility Committee of the receipt of a complaint and the preliminary evaluation of the specificity of the complaint and LACDP jurisdiction of the charged party and incident(s) in question. Such notice shall be sent not later than ten (10) days after the Complaint Manager's receipt of the complaint unless the Complaint Manager has sought in writing, and the Convenor has granted in writing, an extension of time that is reasonable under the circumstances and presumptively should not to exceed seven (7) days.
- C. (i) If the Convenor and Complaint Manager agree that the complaint is specific enough, arguably timely and there is a reasonable basis for assuming jurisdiction, the notice will also state that the investigation is being commenced and further proceedings will be noticed in due course.
(ii) If the Convenor and the Complaint Manager do find jointly find that the complaint is specific enough, arguably timely and/or that there is a reasonable basis

for assuming jurisdiction, the notice will also state a date and time for a closed session review of the complaint.

(iii) Should a closed session review of the complaint be noticed, the complaint shall be further investigated unless a 60% or larger majority of the Harassment, Workplace Violence and Incivility Committee finds that that the complaint is fatally defective and should be dismissed.

(iv) In the event of a finding that the complaint shall be dismissed, the Convenor shall prepare a notice the Policy Committee setting forth the general nature of the complaint, the basis for its dismissal and including a proposed notice to the charging party.

(v) A proposed notice to the charging party of dismissal of a complaint shall not be sent until and unless approved by the Policy Committee.

6. Progress Review of Complaint Investigation

- A. Each twenty-one days (21), the Complaint Manager shall provide the Harassment, Workplace Violence and Incivility Committee with a written progress report on the investigation. All investigations should presumptively be concluded within forty-two (42) days of the notice of the complaint to the Harassment, Workplace Violence and Incivility Committee in Rule of Procedure 5. Should an investigation need to proceed beyond forty-two (42) days, the Complaint Manager shall convene the Harassment, Workplace Violence and Incivility Committee for an interactive update on the status of the investigation and the remaining steps to be undertaken to bring the investigation to a close.
- B. In the event the investigation is not concluded within forty-two (42) days of the notice of the complaint Harassment, Workplace Violence and Incivility Committee, the Complaint Manager shall send notice to the charging party that the complaint is still under investigating and reiterating items B.(ii)-(vii) of Rule of Procedure 4.

7. Tentative Conclusion of the Investigation

- A. Upon the Complaint Manager's determination that the investigation is completed, the Complaint Manager shall meet with the Convenor to review the findings of the investigation. Should the Convenor concur that the investigation is complete, the Convenor shall convene the Harassment, Workplace Violence and Incivility Committee. Should the Convenor determine that additional investigation is required, the Convenor shall outline such additional investigative steps and set a follow up date. Once the Convenor and Complaint Manager agree that the investigation is complete, the Convenor shall convene the Harassment, Workplace Violence and Incivility Committee.
- B. The findings of the investigation shall be presented to the Harassment, Workplace Violence and Incivility Committee. The Committee may, by a 60% majority (or greater) vote, concur that the investigation is complete. Should the Committee determine that additional investigation is required, the Committee shall outline such additional investigative steps and set a date for a follow up meeting. Once the Committee concurs by a 60% or greater majority vote that the investigation is

complete, it shall proceed to consider the question of appropriate conciliation efforts under Rule of Procedure 8.

8. Conciliation After Conclusion of Investigation

- A. Once the Harassment, Workplace Violence and Incivility Committee has determined that the investigation is complete, it shall request a closed session meeting with the charging party to discuss possible conciliation steps. Such a meeting should be scheduled promptly, but presumptively within fourteen (14) days.
- B. If the charging party declines to meet or fails to meet within a reasonable period of time or, if there was such a meeting, immediately thereafter, the Harassment, Workplace Violence and Incivility Committee shall determine, in a closed session meeting, by a 60% majority vote or greater, what, if any, conciliation steps it wishes to undertake.
- C. (i) If conciliation results in a consensual resolution, the Complaint Manager shall embody that consensual resolution in writing and obtain the written consent of all parties to that resolution. The underlying complaint written resolution will then be summarized by the Convenor and Complaint Manager and presented by them, jointly, to the Policy Committee.
(ii) If after a reasonable period of time for a consensual resolution, presumptively not more than twenty-one (21) days, there is no consensual resolution to which all parties have provided written consent, the Committee shall meet in closed session where it may by a 60% or greater majority vote recommend a disposition of the complaint to the Policy Committee. If the Committee is unable to reach the required majority for a recommended disposition, each Committee member may submit her/his/their personal recommendation to the Policy Committee along with a report by the Convenor and Complaint Manager of the results of the recommendation.
(iii) In the event there is no consensual resolution, the Convenor and Complaint Manager shall, in addition to any recommendations from the Committee, submit a written summary of the investigation to the Policy Committee. The report shall be submitted to the Harassment, Workplace Violence and Incivility Committee for review. The written summary shall be deemed adopted unless rejected by a majority of the Committee.
(iv) In the event there is no consensual resolution of the complaint, the investigatory summary will be accompanied by a request that the Harassment, Workplace Violence and Incivility Committee be invited to the Policy Committee's deliberations.