



## Board Governance Committee Agenda Item 6

May 14, 2018

**Item Name:** Other Government Agencies' Processes for Handling Harassment Allegations Against Board Members

**Program:** Board Governance

**Item Type:** Information

### **Recommendation**

Consider and discuss whether to adopt a policy for handling harassment allegations against Board members.

### **Executive Summary**

At the March meeting the Board approved the addition of language to the Board Governance Policy emphasizing the responsibility of each Board member to promote a harassment and discrimination-free work environment at CalPERS. The Committee directed staff to bring back information on policies utilized by boards of other public agencies to address harassment carried out by board members.

### **Strategic Plan**

This agenda item supports the 2017-2022 Strategic Plan's goal of cultivating a risk-intelligent organization.

### **Background and Analysis**

At the March meeting the Board Governance Committee recommended and the Board approved the addition of language to the Board Governance Policy noting that CalPERS has zero tolerance for harassment or discrimination and emphasizing the responsibility of each Board member to vigorously and visibly promote a harassment-free and discrimination-free culture and work environment at CalPERS. During the discussion the Committee directed staff to research how other public agencies with boards address claims of harassment made against board members (as opposed to employees).

Staff reviewed publicly-available documents from several public agencies. While most agencies have adopted policies prohibiting harassment and discrimination as a general matter, it appears that only one State agency, the Regents of the University of California (UC Regents), has adopted a separate policy for addressing how allegations of board member harassment will be handled. On March 16, 2017, the UC Regents approved the "Policy on Review of Allegations of Board Member Misconduct" (Policy). The Policy sets forth a process for investigating allegations and lays out several sanctions that may be applied commensurate with the violation. Staff has attached the language from the Policy in Attachment 1 for the Committee's consideration and discussion.

The Board Governance Policy (<https://www.calpers.ca.gov/docs/board-governance-policy.pdf>) currently provides two mechanisms for imposing discipline on a Board member whose conduct fails to live up to the Board's standards of conduct, public discipline imposed in open session by the Board (see pages 7-8, section V.B.2) or private discipline imposed by the Board President (see page 12, section VIII.B.2.a). Harassment carried out by a Board member would be a failure to live up to the standards of conduct set forth in the Board Governance Policy (see page 21, section X.N) and subject the Board member to discipline.

Harassment committed by a member of the Board is a serious issue, especially in the context of the "Me Too" and "Time's Up" movements. CalPERS has a procedure in place for investigating Board member misconduct and holding members to account. The question for the Committee is whether the current process is the right fit for CalPERS, or whether there is a need to enhance it.

### **Attachments**

Attachment 1 – UC Regents Policy on Review of Allegations of Board Member Misconduct

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