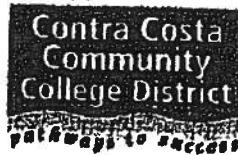


Governing Board

Timothy J. Farley, *President*
John E. Márquez *Vice President*
Gary Walker-Roberts, *Secretary*
Greg Enholm
Gordon



Chancellor
Fred E. Wood, Ph.D.

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Contra Costa College
Diablo Valley College
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Susan Lamb
Robert Kratochvil, Ed.D.

HUMAN RESOURCES DEPARTMENT

Associate Vice Chancellor, Chief Human Resources Officer— Dio Shipp

TO: John Marquez, Governing Board Vice President
Dr. Fred Wood, Chancellor

FROM: Dio Shipp, ~~Associate~~ Vice Chancellor, Chief Human Resources Officer

CC: Todd Goluba, Partner, AALRR

DATE: February 20, 2018

PRELIMINARY INVESTIGATION SUMMARY
(Complaint Against Trustee Tim Farley)

BACKGROUND:

On February 2, 2018, Chancellor Dr. Fred Wood and I received a mailed copy of an anonymous letter/complaint (see attached) alleging there were "rumors circulating" in the District about the current Governing Board President Tim Farley (Trustee Farley) sexually harassing a woman of at a conference in Monterey, California, while he was there representing the District. Although the anonymous letter/complaint was addressed to "Chancellor Dr. Fred Wood, Board of Trustees, and Human Resources," to my knowledge no Governing Board member has received a copy of the letter/complaint. It should be also noted, the envelope that contained the letter, was addressed to me as "Mr. Shipp," and not addressed to "Human Resources." As you will see, the author of the letter claims to be a "CCCCD" employee and also states "a second Board member witnessed" Trustee Farley's sexual harassing behavior toward the woman, and this Board member has not come forward to address Trustee Farley's behavior. During my information gathering, I learned that another copy of this letter/complaint was also sent to Trustee's Farley's employer, St. Mary's College, where he is employed as the Director of Government Affairs.

After receiving both of these letters/complaints sent to the District, Dr. Wood and I immediately discussed this matter in detail. I explained to him, although we had no information about the alleged victim, I did believe that under Human Resources (HR) Procedure 1040.70, I should begin an Informal (preliminary) investigation of this matter to see if there was any legitimacy to these allegations. In addition, after I conducted this Informal Investigation, and I did believe there was validity to this complaint, then we would discuss the initiation of a formal investigation. Dr. Wood agreed with this approach.

Additionally, following our discussion of HR Procedure 1040.70, I also discussed Board Policy (BP) 1010, Code of Ethics for Governing Board Members, with Dr. Wood. Board Policy 1010 states, "If the Board President is perceived to have violated the Governing Board Code of Ethics, the Board Vice President is authorized to pursue resolution." Dr. Wood agreed we needed to also adhere to BP 1010. Therefore, I would have to brief Governing Board Vice President John Marquez (Trustee Marquez) on this matter and did such. During my discussion with Trustee Marquez, he also agreed I needed to investigate this matter more to determine if there was any validity to these allegations against Trustee Farley. Furthermore, Trustee Marquez stated that he did not attend this conference

in Monterey, California, but he did have some recollection of the conference because he believed former Trustee John Nejedly (Trustee Nejedly) received an award for being a Trustee for 20 years, which was validated by the other Trustees I interviewed.

PRELIMINARY INVESTIGATION:

I met individually with Trustee Farley, Trustee Vicki Gordon (Trustee Gordon), and Trustee Greg Enholm (Trustee Enholm) who attended this conference in Monterey, California in May 2015. The conference was the CCLC Annual Trustees' Conference. Former Trustee Nejedly and former Chancellor Dr. Helen Benjamin also attended the conference. It was also believed, but not confirmed by me, that President Mojdeh Mehdizadah, and Director of Communications and Marketing, Tim Leong, were the only District staff who attended.

According to statements taken, the alleged incident happen at a vendor-sponsored dinner held at a "house-type" restaurant not far from hotel (away from where the conference was held). The sponsor of the dinner is believed to be [REDACTED]. Approximately 30 people attended this dinner. No District staff (including former Chancellor Dr. Benjamin) were in attendance of this dinner but only the Districts Trustees who were present at the conference. It was said Trustee Farley arrived at the dinner early and seemed to have been drinking wine heavily, and was noticeably under the influence. Once people started to arrive, the "wine was freely flowing" and Trustee Farley continued to drink heavily at the table before dinner. Trustee Farley was sitting at one end of a long table right next to [REDACTED]. Also, next to Tim was Trustee Gordon, Peralta CCD Trustee Meredith Brown, and a Ventura CCD Trustee Larry (last name unknown at this time). Trustee Enholm was sitting down the table from Trustee Farley.

According to witnesses, there was a conversation between Trustee Farley and possibly [REDACTED] which were of a sexual nature (e.g. women's breast). During the course of this discussion, or right after, Trustee Farley started leaning over onto [REDACTED] with his arms wrapped around her, or at minimum, or her chair and tried kissing her on the mouth. When [REDACTED] pushed him back, he then tried putting his head in her lap and continued to heavily stare at her breasts. [REDACTED] began to laugh nervously and Trustee Gordon tried to get Trustee Farley's attention from [REDACTED] by pulling him away from [REDACTED] and begin to talk loudly to him about his wife and kids. Trustee Farley then turned around to everyone at the table and said loudly, "I LOVE MY WIFE, BUT SHE'S NOT HERE!" Then he proceeded to turn back around to attempt to hug [REDACTED]. [REDACTED] significant other was present at the dinner, but not sitting at this table and did witness Trustee Farley's behavior, and was very upset at him.

The next morning, Dr. Benjamin approached and scolded at least one District Trustee, and told the Trustee that she received several complaints from Trustees and Chancellors from other districts about the inappropriate behavior of the Governing Board members at the dinner. It was then communicated and reported by the Trustee to Dr. Benjamin what had happened between Trustee Farley and [REDACTED]. At least one Trustee followed up with [REDACTED] to apologize to [REDACTED] for Trustee Farley's action. [REDACTED] did not comment nor complain about the incident, but rather stated that she's a strong woman.

CONCLUSION:

Based on my interviews and the gathered information, it is reasonable to believe that approximately three years ago Mr. Farley did engage in unlawful sexual harassment against [REDACTED] in Monterey, California and violated Board Policies 2001 (Nondiscrimination), 2002 (Unlawful Discrimination), HR Procedure 1040.07 (Unlawful Discrimination and Unlawful Harassment), and BP 1010 (Code of Ethic of the Governing Board). However, given the fact that [REDACTED] nor anyone present (that we know of) at the conference, brought any complaint forward to District

Human Resources three years ago, it will be challenging in getting a more accurate account of events and other witnesses. Furthermore, the mere fact that a copy of the complaint was also sent to Trustee Farley's current employer does demonstrate someone is personally attempting to damage Trustee Farley's employment in addition to his position as a Governing Board member. I did inform Trustee Farley at the conclusion of my interviews, I would be sharing my findings with Vice President Marquez and the Chancellor, and a decision would be made about the next appropriate action(s) taken, which may include a further investigation of this matter by an outside investigator if recommended by our legal representation. I will be available for any further discussion on this matter.