

Section:	GO-2 Governance	Approval Date:	11/17/2023
Policy:	GO-2.1A Code of Conduct	Latest Revision:	11/21/2025

GO-2.1A Code of Conduct

2.1.1A Purpose

The purpose of this Code of Conduct Policy (Policy) is to set forth the expectations for ACWA Board Members, ACWA past presidents, as well as for all individuals who serve on ACWA Regional Boards of Directors, ACWA Task Forces, ACWA Committees, ACWA Subcommittees, ACWA Working Groups, or any other permanent, temporary, or ad hoc ACWA group (“ACWA Groups”) established by ACWA to conduct its business, with respect to their conduct while acting in their ACWA capacity on any of these ACWA Groups. This Policy shall apply to all such persons participating in, any of ACWA Groups (all of whom are defined in this Policy, along with Board Members, as “ACWA-Related Individuals”). The term “ACWA-Related Individuals” does not include ACWA employees, who are governed by other conduct and personnel policies.

2.1.2A Code of Conduct

All ACWA-Related Individuals agree to abide by the following when serving an ACWA Group capacity:

1. Treat all persons in a courteous and respectful manner, particularly when acting in their ACWA capacity.
2. Act in accordance with all applicable laws of the United States and the State of California.
3. Refrain from abusive conduct, and verbal attacks upon the character or motives of other ACWA-Related Individuals or member agencies, ACWA Groups, the Association and its staff, or the public. For purposes of this Policy, the term “abusive conduct” shall carry the same meaning as found in Government Code section 12950.1 and shall include, but not necessarily be limited to, conduct which a reasonable person would find hostile, offensive, or unrelated to ACWA’s legitimate interests. Abusive conduct may consist of, but is not limited to, repeated infliction of verbal abuse, such as derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or attempts to sabotage or undermine the work of others.
4. Refrain from any form of discrimination or harassment of any individual on account of that individual’s race, religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, veteran or military status or other legally protected class or characteristic, particularly when acting in their ACWA capacity.

5. Abide by the processes and rules of order for the ACWA Group in which they participate as established by that body or by ACWA and comply with the ACWA Board Policy Manual, including this Policy, and Bylaws.
6. Refrain from directly or indirectly indicating, in any communications with any outside group or persons, that they are speaking on behalf of ACWA, unless expressly authorized to do so by the ACWA Board, Executive Director, Deputy Executive Director, advocate on point on the relevant policy issue, or the Director of Communications with respect to any communications to the media. Providing factual information regarding official ACWA positions or statements, including providing copies of or links to official ACWA publications or statements, is permitted in all cases as long as the speaker does not indicate they are speaking on behalf of ACWA or acting as its representative.
7. Avoid conflicts of interest with their personal financial interests when acting in an ACWA capacity, and comply with Government Code section 87100, *et seq.* as interpreted by the Fair Political Practices Commission when acting on behalf of an ACWA member agency in an official capacity.
8. ACWA-Related Individuals will not disclose confidential ACWA information without proper authorization from the ACWA Executive Director or Board. Confidential information will be designated as such.
9. Refrain from directing (or giving the appearance of directing) the day-to-day operations of ACWA's staff, except as may be authorized by the ACWA Executive Director for any ACWA Board Member to facilitate the performance of their duties as an ACWA Board member.
10. Refrain from knowingly enabling the violation of this Policy by another person, including any act prohibited by an interim action of the Executive Director under Section 2.1.3A(3).

2.1.3A Investigation of Complaints

The following sets forth the procedures for investigating complaints against ACWA-Related Individuals for an alleged violation of this Policy.

1. All complaints involving alleged violations of this Policy shall be made to the ACWA President, Vice-President, and/or Executive Director. Upon receipt of a complaint, the ACWA President, Vice-President, Executive Director, and General Counsel shall be informed of the complaint and the underlying facts and circumstances. A copy of the complaint will not be provided to the subject of a complaint unless required by applicable law or ACWA Bylaws.
2. The ACWA Executive Director shall immediately inform the subject of the complaint, while not disclosing the complainant or their agency to guard against potential retaliation, that a complaint has been filed against them and shall inform that person of the general nature of the complaint.
3. The ACWA Executive Director will have the discretion to take any interim action necessary to protect the safety of any persons and/or to ensure the least amount of disruption to an event or a meeting. The discretion to take interim action includes, but is not limited to, a directive that

the person alleged to have violated the Policy temporarily cease all activities on the body to which they have been elected, appointed, or assigned during the pendency of the investigation.

- a. In the event that the subject of a complaint refuses to comply with any interim actions, the subject of a complaint shall immediately be removed from all ACWA Groups until completion of the disciplinary process for the underlying complaint.
4. The ACWA Executive Director, in consultation with the Board President (or Board Vice President in cases in which the Board President is the person alleged of violating this Policy) and General Counsel will determine whether an investigation of the complaint is warranted. If it is determined that an investigation is warranted, the ACWA Executive Director will undertake such an investigation immediately. The ACWA Executive Director shall retain a qualified third party (e.g., licensed investigator or attorney) to conduct the investigation unless determined to be unnecessary by the Board President (or Board Vice President in cases in which the Board President is the person alleged of violating this Policy) and General Counsel. The investigation should include discussions and interviews with witnesses as applicable.
5. Upon completion of the investigation, a report of the findings and conclusions of the investigation will be provided by the ACWA Executive Director to the Board President, Vice President, and ACWA's General Counsel, assuming none of those individuals are the subject of the investigation. Those individuals collectively will determine the recommended enforcement action to take in light of the findings, if any, and recommendations rendered following the investigation of the complaint. If no action is recommended, the complaint will be dismissed.
6. Once a determination of the recommended enforcement action has been made, the person alleged to have violated this Policy will be notified of the intended action. If the recommended enforcement action involves more than a verbal warning (i.e., temporary suspension or removal from the ACWA Group on which they serve) and unless the person alleged to have violated this Policy agrees to the recommended enforcement action, the Board of Directors will consider the matter in closed session at the next scheduled Board meeting. Board members will be provided with the recommended enforcement action and investigation summary as part of the closed session materials. At the meeting, during closed session, the accused person will have the opportunity to present to the Board reasons why the accused person believes they should not be subjected to the intended disciplinary action. The accused person is not entitled to call witnesses, but may present documentary evidence, to be included in the closed session materials, to the Board in support of their position. The Board will determine the appropriate disciplinary action, if any. If the person alleged to have violated this Policy agrees to the recommended enforcement action, the agreed disciplinary action shall be imposed.

2.1.4A Enforcement of the Code of Conduct and Discipline of an ACWA-Related Individual

1. A violation of this Policy may result in one or more of the following disciplinary actions:
 - a. Verbal Warning (Private Reprimand);
 - b. Public Censure;
 - c. Temporary suspension from the ACWA Group on which the accused person serves for one year unless determined otherwise due to the severity of the violation; or
 - d. Removal from the ACWA Group on which the accused person serves. ACWA-Related Individuals may apply for reinstatement to the Board after one year. If the person agreed to the discipline, without Board action being taken, the President and Vice President will review and consider the request for reinstatement.

To be imposed, any discipline above a Verbal Warning (Private Reprimand) must be imposed by a two-thirds or greater vote of the ACWA Board of Directors. A Verbal Warning (Private Reprimand) requires only a simple majority of those Directors in attendance at the meeting.

2. The ACWA Board of Director's action does not need to be reported out of closed session if the Board of Directors finds that the Policy was violated, and a Verbal Warning (Private Reprimand) is the appropriate level of discipline. In all other cases, the Board of Directors' decision will be reported out of closed session. A vote to remove will result in immediate removal of the accused person from the ACWA Group(s) on which they serve.
3. Any ACWA-Related Individual who takes any hostile or retaliatory action, directly or indirectly, against a complainant is subject to discipline and removal from the ACWA Group(s) on which they serve in conformance with Section 4.12 (b) of the Bylaws.
 - a. Should any ACWA-Related individual continue to take any hostile or retaliatory action after the procedures in Section 4.12 (b) of the Bylaws have been taken, the ACWA-Related individual's agency may be subject to removal from ACWA membership in accordance with Article 2, Section 2.01 (c) of the ACWA Bylaws, which may include a prorated refund of annual dues as determined by the Board or as required by the Bylaws or applicable law.
4. This Policy shall be interpreted consistent with Section 4.12 of the ACWA Bylaws. In the event of any inconsistency between this Policy and the Bylaws, the Bylaws shall control.

References:

California Corporations Code, Bylaws, Articles 3 and 4; Board agenda item VI.A.1. on 11/17/2023.

See Administrative Procedure: *To be determined.*

Revision History:

Revision Date	Description of Changes	Requested By
11/17/2023	Initial Release: Deleted GO-2.1.10 Code of Conduct Policy from GO-2.1 Board of Directors Policy. Revised as a standalone policy and expanded to include ACWA Board Members, ACWA past presidents, as well as all individuals who serve on ACWA Regional Board of Directors, ACWA Task Forces, ACWA Committee, ACWA Subcommittees, ACWA Working Groups, or any other permanent, temporary, or ad hoc ACWA Group.	Board and Code of Conduct Task Force
11/21/2025	Revised policy to streamline future implementation and enforcement based on staff's review of policy since its initial approval in November 2023.	Required by Board's action when initially approved on 11/17/2023