

On Nov 7, 2019, at 9:17 PM, [REDACTED] wrote:

Dear all-

We, the citizen volunteers of the CPVAW, who are protected under the same rules as city staff and councilmembers, wanted to share this gross example of slander and defamation of the commission by City Councilmember Glover.

We have been trying very hard to elevate the rhetoric, to engage in respectful discourse and to foster a space that is conducive to the growth of our community. Furthermore we are (and have been) volunteers, regular citizens that are putting their time and their faith in the democratic system. To have an elected official slander our peers, who we know in good faith to have given their best efforts to the commission is unconscientious, ignores the fact that there were personal family circumstances involved in their departures and furthers the discourse that a person is disqualified to serve according to race or gender. We would also like it to be clear that it was not due to the absence of commissioners serving as Chair and Vice Chair that resulted in a lack of quorum for this meeting.

This is unacceptable and we want to know what action you are going to take to put a stop to this. We look forward to receiving your response.

Sincerely,

[REDACTED], CPVAW Commissioner

[REDACTED], CPVAW Commissioner

[REDACTED], CPVAW Commissioner

<City Council Member Drew Glover FB page Screen Shot 2019-11-07 at 3.07.35 PM.png>

<City Council Member Drew Glover FB page 2nd Screen Shot 2019-11-07 at 3.21.38 PM.png>

<Drew Glover Personal FB page Screen Shot 2019-11-07 at 3.19.28 PM.png>



Santa Cruz City Councilmember Drew Glover

5 hrs · 🌐



Did you know that the Chair and Vice-Chair of the Santa Cruz Commission for the Prevention of Violence Against Women resigned creating a situation where there was no quorum (the minimum number of members of an assembly or society that must be present at any of its meetings to make the proceedings of that meeting valid) and causing the meeting last night to be canceled?

There are so many implications and things to analyze surrounding the fact that the Chair and Vice-Chair resigned before assuring that there would be replacements to carry on the work thus creating a situation where there was no quorum and delaying any further talk or action by the commission for another three months after scheduling a special meeting to use the commission for a partisan purpose that it was never intended for, had nothing to do with preventing violence against women, and where these members pressured other commissioners, through coercion and peer pressure, to cast a vote without proper information or background.

To top it off, if that wasn't already enough, the Chair of the Commission for the Prevention of Violence Against Women, a white man who consistently interrupted people and then subsequently complained in the Rose report that I had asked that people not interrupt each other and be considerate of race and gender power dynamics, who then on October 9th made a request, to all of the other commissioners who happen to be women, to not interrupt each other. The hypocrisy runs deep with Kevin Grossman.

<http://www.cityofsantacruz.com/.../Com.../Calendar/Event/18320/...>

Announcements

Announcements by Chair: Chair Grossman announced the meeting, and asked Commissioners listen to one another, not to talk over one another, and to wait to be acknowledged by the Chair before speaking, in order to eliminate interrupting each other.

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Santa Cruz City Councilmember Drew Glover ...

· 5 hrs ·

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Drew Glover

5 hrs · 🌐



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The Chair of the Commission for the Prevention of Violence Against Women, of course, the white man who consistently interrupted people and then subsequently complained in the Rose report that I had asked that people not interrupt each other and be considerate of race and gender power dynamics, who then on October 9th made a request, to all of the other commissioners who happen to be women, to not interrupt each other. The hypocrisy runs deep with Kevin Grossman.

CITYOFSANTACRUZ.COM

Regular Meeting of the Commission for the Prevention of Violence Against Women

Due to a lack of a quorum, the November 6, 2019 CPVAW meeting is...

From: Leila Kramer <[REDACTED]>
Sent: Monday, November 11, 2019 7:12 PM
To: Martin Bernal <mbernal@cityofsantacruz.com>
Cc: Lisa Murphy <lmurphy@cityofsantacruz.com>; Tony Condotti <tcondotti@abc-law.com>;
Martine Watkins <mwatkins@cityofsantacruz.com>; [REDACTED]; [REDACTED];
[REDACTED]; [REDACTED]; Ralph Dimarucut <rdimarucut@cityofsantacruz.com>; Kevin W.
Grossman <[REDACTED]>; [REDACTED];
Cynthia Mathews <[REDACTED]>
Subject: Re: DEFAMATION OF CPVAW COMMISSIONERS

Dear All,

It has come to my attention that Councilmember Drew Glover posted multiple defamatory and untrue statements about me on multiple social media pages recently in relation to my resignation from CPVAW. His followers have also written at least one article doing the same (see below).

I submitted my letter of resignation from CPVAW on October 10, 2019 because my father has been in the hospital seven times this year, and isn't doing well. My father's ill health did not leave me with any available time to continue volunteering as vice chair on CPVAW, which is the only reason I tendered my resignation. It was a very hard decision and not taken lightly.

It is unacceptable for a council member to post lies about Commissioners publicly, causing people to draw false conclusions, and even doing harm to my reputation and work as a former commissioner, without any repercussions. Councilmember Glover's printed lies have caused me and my family undo stress and harassment at a time when we are already stretched to our limits.

It is my sincere hope that you'll consider a public statement acknowledging the real reason for my resignation from CPVAW. In addition, I hope that City Council will address Councilmember Glover's dangerous behavior, as it discourages anyone wanting to participate on CPVAW, and encourages unethical behavior. Thank you for your time and consideration.

Very Sincerely,

Leila Kramer

<https://www.indybay.org/newsitems/2019/11/09/18827952.php>

Lisa Murphy

From: Lisa Murphy
Sent: Tuesday, December 10, 2019 11:54 AM
To: 'Kevin W. Grossman'
Cc: Martin Bernal; Ralph Dimarucut; Tim Davis (tdavis@bwslaw.com)
Subject: Notice of Findings
Attachments: Notice of Findings_Grossman.pdf

Good Afternoon Mr. Grossman,
The City of Santa Cruz is committed to providing and maintain a work environment free from abusive conduct and unlawful discrimination, harassment and/or retaliation. This commitment extends to you as a Commissioner for CPVAW.

Immediately upon receiving complaints by members of CPVAW of a social media posting by Councilmember Glover, the City's Human Resources Department hired Attorney Timothy L. Davis of Burk, Williams & Sorensen, LLP to conduct a thorough review and analysis of the complaint. Mr. Davis determined that Councilmember Glover's statements on a Facebook posting did violate the City's Administrative Procedure Order Section II #1B Respectful Workplace Conduct Policy. In addition he also found that Councilmember Grovers posting was retaliatory towards you for your participation in the recent investigation.

The members of the City Council have been notified of the findings. As you may know, elected officials are held accountable for their actions by their fellow colleagues on the Council and ultimately the community. As such, they are not subject to the City's traditional forms of discipline when found to have violated a City policy as employees are.

If you are contacted by the media regarding the investigation and you do not wish to speak to them, you can refer them to myself at 420-5042 or by email. Please feel free to contact me if you have any questions.

Lisa Murphy
Human Resources Director
City of Santa Cruz
(831) 420-5042
809 Center Street
Santa Cruz CA 95060





HUMAN RESOURCES DEPARTMENT

CONFIDENTIAL MEMORANDUM

DATE: December 9, 2019
TO: Mr. Kevin Grossman
FROM: Lisa Murphy, Director of Human Resources
RE: Notice of Investigation Determination

As a result of a complaint three members of the Commission on the Prevention of Violence Against Women (CPVAW) submitted to the Human Resources Department on November 7th, 2019 regarding a social media (Facebook) posting by Councilmember Drew Glover, the City undertook an investigation into the specific incident.

You alleged that Councilmember Glover slandered and defamed members of the CPVAW commission when he posted on social media (his Facebook page) comments specifically referring to the former Chair, Kevin Grossman and the former Vice Chair, Leila Kramer of CPVAW, including reasons he believed they resigned and implications that the lack of quorum for the November 6, 2019 meeting was entirely due to their absence.

Investigation and Finding

At my request, the City retained outside legal counsel from Mr. Tim Davis of the firm Burke, Williams & Sorensen, L.L.P. to conduct an investigation into the allegations. The purpose of the investigation is not to determine whether there was unlawful activity or not; rather, the investigation is an administrative assessment of whether the alleged behaviors as stated and described by you, were substantiated, or not, based on an objective examination of the factual evidence.

Mr. Davis was charged with making a finding as to whether Councilmember Glover's conduct constitutes a violation of a City policy. After a thorough review and analysis of the information obtained in his investigation, Mr. Davis found by a preponderance of the evidence that Councilmember Glover's conduct did violate the City's Administrative Procedure Order Section II, #1B Respectful Workplace Conduct policy.

Determination

Based on the findings of Mr. Davis, I agree with him that your complaint against Councilmember Glover is **substantiated**. Mr. Davis found there is sufficient evidence demonstrating that Councilmember Glover's posting on social media was severe and egregious conduct that was intended to or would be perceived by a reasonable person to be derogatory, insulting, slanderous or malicious rumor-spreading and undermining Mr. Grossman's and Ms.

Kramer's work. In addition, Mr. Davis found there was sufficient evidence that his posting was also retaliatory towards Mr. Grossman for his participation in a recent investigation.

Accordingly, I have determined that Councilmember Glover's conduct in connection with his November 7th, 2019 posting on social media (Facebook page) violated the City's Respectful Workplace Conduct policy.

Conclusion:

The City of Santa Cruz is committed to providing and maintaining a work environment free from abusive conduct and unlawful discrimination, harassment, and/or retaliation. The City prohibits retaliation against anyone who complains of harassment or discrimination or who participates in a related investigation. Should you feel you have been retaliated against because of your participation in this investigation, please advise me of that immediately. You are also directed to not retaliate against anyone who has complained or participated in this investigation. Should I receive notice that either of the aforementioned things has happened, the City will investigate and take appropriate action.

Thank you for your cooperation. Please contact me at (831) 420-5042 if you have any questions.

cc: Investigation File

Lisa Murphy

From: Lisa Murphy
Sent: Tuesday, December 10, 2019 11:56 AM
To: [REDACTED]
Cc: Martin Bernal; Ralph Dimarucut; Tim Davis (tdavis@bwslaw.com)
Subject: Notice of Findings [REDACTED]
Attachments: Notice of Findings [REDACTED]

Good Afternoon [REDACTED]

The City of Santa Cruz is committed to providing and maintain a work environment free from abusive conduct and unlawful discrimination, harassment and/or retaliation. This commitment extends to you as a Commissioner for CPVAW.

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cc: Investigation File

Lisa Murphy

From: Lisa Murphy
Sent: Tuesday, December 10, 2019 11:58 AM
To: [REDACTED]
Cc: Martin Bernal; Ralph Dimaricut; Tim Davis (tdavis@bwslaw.com)
Subject: Notice of Findings - [REDACTED]
Attachments: Notice of Findings, [REDACTED]

Good Afternoon [REDACTED]

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cc: Investigation File

P:\Employee Relations\Investigations\Respectful Workplace APO II-1b\CPVW 2019
Complaint\Notice of Findings_ [REDACTED]

Lisa Murphy

From: Lisa Murphy
Sent: Tuesday, December 10, 2019 12:00 PM
To: [REDACTED]
Cc: Martin Bernal; Ralph Dimaricut; Tim Davis (tdavis@bwslaw.com)
Subject: Notice of Findings - [REDACTED]
Attachments: Notice of Findings - [REDACTED]

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809 Center Street
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Thank you for your cooperation. Please contact me at (831) 420-5042 if you have any questions.

cc: Investigation File

Lisa Murphy

From: Davis, Timothy L. <TDavis@bwsllaw.com>
Sent: Friday, December 06, 2019 4:15 PM
To: Drew Glover; Nguyen, Sally T.
Cc: Lisa Murphy; Martin Bernal
Subject: RE: Meeting on November 18, 2019.
Attachments: Ltr to Drew Glover Re Workplace Conduct Policy - 12-6-19.pdf

Good Afternoon Drew

Thanks for the reply. I considered the information you provided and have included it in the attached letter. Tim Davis

Please take note of our new address, phone and fax numbers.

Timothy L. Davis | Partner
Burke, Williams & Sorensen, LLP
60 South Market Street, Suite 1000 | San Jose, CA 95113
d – 408.606.6317 | t – 408.606.6300 | f – 408.606.6333
tdavis@bwsllaw.com | bwsllaw.com | [vcard](#)



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From: Drew Glover [<mailto:dglover@cityofsantacruz.com>]
Sent: Thursday, December 5, 2019 11:02 AM
To: Davis, Timothy L.; Nguyen, Sally T.
Subject: Fwd: Meeting on November 18, 2019.

Apologies, I forgot to include Sally Nguyen in my last message.

Sent from my iPad

Begin forwarded message:

From: Drew Glover <dglover@cityofsantacruz.com>
Date: December 5, 2019 at 10:59:58 AM PST
To: "Davis, Timothy L." <TDavis@bwsllaw.com>
Subject: Re: Meeting on November 18, 2019.

Good morning,

Please find my response to the letter I received on November 18, 2019 below. I attempted to send it late last night, but for some reason it did not go through and luckily I noticed it in my outbox this morning.

Dear Mr. Davis,

I am writing in response to the letter I received from your office on November 18th, 2019 and to share my perspective about your analysis of the statements posted on Facebook.

After reviewing your analysis I would like to express my strong opposition to your "unequivocal" determination as it pertains to the Respectful Workplace Conduct policy. The post in question is undoubtedly critical of the decision of Mr. Grossman and Ms. Kramer's actions of resigning from the Commission for the Prevention of Violence Against Women (CPVAW), but I do not believe that it rises to the level of "disrespect" or "retaliation".

First I will address the issue of Mr. Grossman. The language in the post was not intended to "insult" my Grossman, but to criticize his behavior that was inconsistent and hypocritical. This is specifically pertaining to the occurrence that took place at a past CPVAW meeting while I was a commissioner where I requested that members of the body not interrupt each other and to be sure to acknowledge, and take consideration of, race and gender power dynamics on the body. I noticed that Mr. Grossman consistently interrupted other female commission members while they were talking. This can be found in the recordings of the commission meetings leading up to my election to the City Council. Subsequent to that request Mr. Grossman became offended, which prompted a following phone conversation between him and I where I apologized if my statements made him feel uncomfortable.

My claim that "hypocrisy runs deep with Kevin Grossman" was based in the fact that at one of the last meetings before he prematurely resigned, he made a request that commissioners not interrupt each other. This request came from a white man to a group of women, some of who were women of color. This, in my opinion is hypocritical. Not only because he did the exact same thing that he criticized me about, but also that the request was coming from someone who habitually interrupted women during my time working with him on that body. I would also point out that referencing the fact that someone is a white male in context of critical analysis of race and power dynamics is not disrespectful. The reference to the report, where he went on record to criticize me about the request for people not to interrupt each other, was not in "retaliation" but to provide context as to the observed hypocrisy. It was also my understanding that he was a named contributor to the Rose Report so it would not be an issue to reference the document.

Now, with regards to your analysis about the "insinuated" "ulterior motives" that you suggest I "led the public to believe", I assert that you misread that portion of the post. In the post I state that there were "many implications" surrounding the resignation of Mr. Grossman and Ms. Kramer. The implication I was referring to had to do with the impact on the effectiveness of the body (CPVAW) from the sudden resignation of both the Chair and Vice-Chair. The meeting in November of 2019 had to be cancelled due to a lack of a quorum. This was, in effect, caused by the premature resignations. Along with resigning pre-maturely, for whatever reason, replacements were not provided, essentially crippling the CPVAW. This should be a big issue considering the next meeting was not scheduled to take place for months and inhibited any action or work to accomplish the mission of the body. This was, and continues to be, incredibly troubling to me as the prevention of violence against women is something I am passionate about.

In addition to the implications of their premature resignations and the impact that it had on the body, it was also immediately following an inappropriate and (in my opinion) unethical use of the commission for partisan goals. The slander and defamation posted by on his blog which can be found here <http://getofftheground.blogspot.com/2019/09/in-susies-shoes.html> illustrates how Mr. Grossman attempted to use his position to spread lies and misinformation about myself and Councilmember

Krohn. In this blog, Mr. Grossman not only identifies himself as the Chair of CPVAW, but references the Rose Report stating that, "Earlier this year, a Sacramento-based law firm was hired to conduct an independent investigation into allegations of sexism, bullying and harassment. The scope of the investigation included complaints made by five individuals -- all women -- against Santa Cruz Councilmember Drew Glover...". Going on, he states his issue with public comments at the City Council meeting surrounding the attempt to censure myself and Councilmember Krohn using language like "the voices of the the victims and public were silenced" suggesting that [REDACTED] was in some way a victim of "harassment and abuse". None of the complaints lodged against me or Councilmember Krohn included claims of "harassment and abuse" to my knowledge.

In addition to the blog, Mr. Grossman and Ms. Kramer participated in coercive and manipulative behavior with their fellow commission members. I believe there may have been a violation of the Brown Act with the meeting they scheduled to "endorse" the call to censure myself and Councilmember Krohn. In addition to the potential violation of the Brown Act, their behavior with regards to the newest commissioners was severely unethical for multiple reasons. First, they did not provide the information necessary for commissioners to make an informed and knowledgeable decision prior to the meeting. Even during the meeting when commissioners requested additional information or expressed concern that they did not have all the facts, they were coerced to vote in favor of the censure attempt with pressure to make the vote "unanimous". Additionally, there was discussion about figuring out a process to censure themselves or their fellow commissioners who failed to "start by believing" even though the report found no substantiated claims of abuse or harassment. This was using the commission for an unintended purpose and for a partisan goal.

These unintended purposes and inappropriate actions are outlined in the writings of Ann Simonton, one of the new commissioners who felt pressured to vote a certain way. I have included her article in the Good Times here: <https://goodtimes.sc/santa-cruz-news/opinion/opinion-november-13-2019/>
“Re: “Commission Granted” (GT, 10/2): A city commission should not take sides in workplace disputes, especially ones inside the city government they serve. Recent public declarations by CPVAW (Commission for the Prevention of Violence Against Women) overtly supported those in favor of the recall, even though members claimed it was not their intention to influence this controversial action. As a member of the CPVAW and a life-long activist working to end sexual violence, I want to apologize for our commission’s involvement in this divisive, partisan battle.

Santa Cruz United, the group behind the recall effort, used quotes by CPVAW Chair Kevin Grossman to lead their full-page *Sentinel* ad, Sunday Oct. 6. The ad implies that CPVAW fully supports the recall effort, as well as the ad’s unwarranted accusations of sexual abuse, silencing victims, and sexism by the two council members. According to Chair Grossman, SC United used his comments without his permission or knowledge. Grossman continues to assert that his participation in multiple media events had *nothing* to do with the recall. However, his comments were delivered to the media just weeks before a crucial deadline when SC United needed more petition signatures, and resorted to using our acting chair Kevin Grossman’s quotes and the CPVAW’s title to fan their flames of lies and misinformation.

The Rose Report, an independent investigation into allegations by city employees and other council members, found *no substantiated instances of sexual harassment or gender-based discrimination*. Even so, sexually inflammatory language was repeated by CPVAW, city staff, and those promoting the recall. "Start by Believing" is a slogan created solely for individuals who have been sexually assaulted. Its use by CPVAW suggests the public should question the results of an extensive independent report in defense of city employees. It’s not surprising that some recall petitioners at UCSC claimed these councilmen had been convicted of sexual assault as a means to bring in more signatures, and to collect more cash for each name gathered.

CPVAW's mission is to prevent sexual assault, rape, and domestic violence. I very much regret that Santa Cruz voters have been led to believe that the two council members in question engaged in any form of sexual abuse. False accusations of sexual abuse and silencing victims set a very dangerous precedent. This misinformation works to create an environment where actual cases of sexual assault are much more likely to be disbelieved. Everyone loses when this happens. Let's all start by believing and reading the results of the city's investigation into workplace difficulties, help CPVAW get back to its mission to prevent sexual violence, and vote NO on all recall efforts.

Ann Simonton | CPVAW Commissioner"

There are many implications associated with both Mr. Grossman's and Ms. Kramer's actions during their time on the body and in their resignation and I believe they should be addressed. However, I do not believe that pointing them out or criticizing their behavior is in anyway disrespectful or in anyway retaliatory for any participation in ongoing (or concluded) conflict.

Thank you for your consideration,
Drew Glover

Sent from my iPad

On Dec 4, 2019, at 8:09 AM, Davis, Timothy L. <TDavis@bwslaw.com> wrote:

Thanks for the heads up.

Please take note of our new address, phone and fax numbers.

Timothy L. Davis | Partner

Burke, Williams & Sorensen, LLP

60 South Market Street, Suite 1000 | San Jose, CA 95113

d - 408.606.6317 | t - 408.606.6300 | f - 408.606.6333

tdavis@bwslaw.com | bwslaw.com | [vcard](#)

<image003.jpg>

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From: Drew Glover [<mailto:dglower@cityofsantacruz.com>]

Sent: Wednesday, December 4, 2019 8:03 AM

To: Davis, Timothy L.

Cc: Nguyen, Sally T.

Subject: Re: Meeting on November 18, 2019.

Good morning Tim,

This week had been swamped, but I do plan on sending over a response letter by end of day today with regards to the correspondence you shared with me earlier.

Please let me know if you have any questions or concerns.

Drew

Sent from my iPad

On Nov 23, 2019, at 11:58 AM, Davis, Timothy L. <TDavis@bwslaw.com> wrote:

Attorney-Client Privilege

Sure. I need to advise the City's Executive team (City Manager, City Attorney, and HR Director) that my review of the matter is completed. Consistent with the policy, the City also needs to timely advise the complainants of its review and resolution of their complaints.

Please take note of our new address, phone and fax numbers.

Timothy L. Davis | Partner
Burke, Williams & Sorensen, LLP
60 South Market Street, Suite 1000 | San Jose, CA 95113
d – 408.606.6317 | t – 408.606.6300 | f – 408.606.6333
tdavis@bwslaw.com | bwslaw.com | vcard

<image003.jpg>

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From: Drew Glover [<mailto:dglower@cityofsantacruz.com>]
Sent: Saturday, November 23, 2019 11:51 AM
To: Davis, Timothy L.
Cc: Nguyen, Sally T.
Subject: Re: Meeting on November 18, 2019.

Attorney-Client Privilege

Hello,
Can you please explain to me the rational for the December 4th deadline?

Thanks

Sent from my iPad

On Nov 23, 2019, at 11:42 AM, Davis, Timothy L. <TDavis@bwsllaw.com> wrote:

Attorney-Client Privilege

Good Morning Again

I did not mean to suggest that I was requesting any additional information. Rather, I just wanted to confirm that if you wanted to provide me any additional information related to the letter that I provided to you dated November 18th that you had an opportunity to do so. Thanks Tim

Please take note of our new address, phone and fax numbers.

Timothy L. Davis | Partner

Burke, Williams & Sorensen, LLP
60 South Market Street, Suite 1000 | San Jose,
CA 95113

d – 408.606.6317 | t – 408.606.6300 | f – 408.606.6333
tdavis@bwsllaw.com | bwsllaw.com | vcard

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From: Drew Glover

[mailto:dglover@cityofsantacruz.com]

Sent: Saturday, November 23, 2019 11:13 AM

To: Davis, Timothy L.

Cc: Nguyen, Sally T.

Subject: Re: Meeting on November 18, 2019.

Attorney-Client Privilege

Good morning Mr. Davis,

Can you let me know what kind of additional information you are referring to? I want to make sure to

provide you with as much pertinent information as possible.

Thanks,

Drew

Sent from my iPad

On Nov 23, 2019, at 10:20 AM, Davis, Timothy L.
<TDavis@bwslaw.com> wrote:

Good Morning Councilmember Glover

I wanted to send a short email as a follow up to our meeting on November 18, 2019. As we discussed, please let me know if there was any additional information you wished to provide me regarding my findings on the violation of the City's Respect Workplace Conduct Policy no later than December 4, 2019. Thank you Tim Davis

Please take note of our new address, phone and fax numbers.

Timothy L. Davis | Partner
Burke, Williams & Sorensen, LLP
60 South Market Street, Suite 1000 |
San Jose, CA 95113
d – 408.606.6317 | t – 408.606.6300 | f
– 408.606.6333
tdavis@bwslaw.com | bwslaw.com |
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Attorney-Client Privileged Communication

December 6, 2019

Councilmember Drew Glover
City of Santa Cruz
809 Center Street, Room 10
Santa Cruz, CA 95060

**Re: Violation of the City's Respectful Workplace Conduct Policy
Administrative Procedure Order, Section II-#1B
Attorney-Client Privileged Communication**

Dear Councilmember Glover:

As we discussed during our November 18, 2019 in-person meeting, the City of Santa Cruz received complaints against you by members of the Commission of the Prevention of Violence Against Women (CPVAW) regarding statements you made on November 7, 2019 at 9:53 a.m. on your Facebook page. I informed you that I had been tasked to investigate the allegations and make a determination regarding whether your conduct violated any City policy. As part of my investigation, you had until December 4, 2019 to provide me with additional information for my consideration regarding my initial findings on the violation of the City's Administrative Procedure Order, Section II-#1B Respectful Workplace Conduct policy (the "Policy").

You submitted to me via email your response to my November 18, 2019 initial findings on December 5, 2019.¹ In your written response, you provided your perspective about my analysis of your social media post. You stated that your statements were "not intended" to "insult" former Chair of the CPVAW Kevin Grossman and then provided additional information supporting your belief that Mr. Grossman was indeed a hypocrite. You also stated your belief that your statements were not disrespectful or retaliatory, and that your reference to Ms. Grossman's involvement in the Rose report was to further demonstrate Mr. Grossman's hypocrisy. Moreover, you asserted that I "misread portions of the post" with regards to my analysis that your statements insinuated and/or led the public to believe that the former commissioners of the CPVAW had ulterior motives when they resigned. You explained that the "many implications" language in

¹ You explained that you attempted to send the response on the night of December 4, 2019 but it did not go through and you noticed it in your outbox.

Councilmember Drew Glover
December 6, 2019
Page 2

your social media post was intended to refer to the impact on the effectiveness of the CPVAW and as an example of such impact, you cited to the cancellation of the November 2019 meeting as a result of the commissioners "premature resignations."² However, you also noted that the "premature resignations" was "immediately following an inappropriate and (in [your] opinion) unethical use of the commission for partisan goals" and referenced a blog by Mr. Grossman. Additionally, you incorrectly stated that "[n]one of the complaints lodged against me or Councilmember Krohn included claims of 'harassment and abuse' to [your] knowledge."³ In addition, you provided information to support your belief that the former commissioners of the CPVAW "participated in coercive and manipulative behavior" toward new commission members. Lastly, you asserted that you did not believe pointing out or criticizing Mr. Grossman's and Ms. Kramer's actions was in any way disrespectful or retaliatory.

Based upon my review of the complaints by members of the CPVAW, your social media post (Facebook page) on November 7, 2019, our November 18, 2019 in-person meeting, your December 5, 2019 written response, and the Policy, I have determined that my previous determination that your statements unequivocally violate the Policy is warranted. Regardless of your intentions or beliefs when making the statements, I find that you engaged in conduct on social media, with a willful or conscious disregard of the feelings, rights or safety of Mr. Grossman and Ms. Kramer, in a manner perceived by a reasonable person to be derogatory, insulting, bullying, humiliating, sabotaging or undermining of their work performance, slanderous, malicious rumor-spreading or the like. I further find that your statements about Mr. Grossman were retaliatory as they were based, in part, on Mr. Grossman's involvement in the previous investigation. I do appreciate that your written comments to me dated December 5, 2019 provide a more detailed context of your observations in your Facebook post on November 7, 2019. However, none of this context was stated in the Facebook post and this contributes to my conclusion that a reasonable person would be offended by it.

² This is not accurate as there were other reasons for the lack of quorum. One of the current commissioners had something unexpected come up and was unable to attend the meet. Another commissioner had their flight delayed and was unable to attend the meeting. Both of these commissioners notified Ralph Dimarucut (Principal Management Analyst at the City) of their absence in advance of the meeting. With a guest speaker scheduled to travel quite a distance to present at the meeting, Mr. Dimarucut decided to notify the guest speaker and the commissioners that the meeting was canceled due to a lack of a quorum.

³ With respect to claims against you, for example, the allegations involved harassing and/or abusive conduct believed to have been taken by you.

Councilmember Drew Glover
December 6, 2019
Page 3

I am therefore proceeding with my recommendation that the Council be apprised of this development for further consideration and that you conduct yourself in a manner to adhere to the spirit and letter of the Policy.

Very truly yours,

BURKE, WILLIAMS & SORESENSEN, LLP



TIMOTHY L. DAVIS

cc: Sally Nguyen

Attorney-Client Privilege Negotiations

November 18, 2019

Councilmember Drew Glover
City of Santa Cruz
809 Center Street, Room 10
Santa Cruz, CA 95060

**Re: Violation of the City's Respectful Workplace Conduct Policy
Administrative Procedure Order, Section II-#1B
Attorney-Client Privileged Communication**

Dear Councilmember Glover:

I am writing to advise you that the City of Santa Cruz recently received complaints against you relating statements you made on November 7, 2019 at 9:53 a.m. on your Facebook page. (A screenshot of your Facebook post is attached as Exhibit A).

After a thorough review and analysis, I have determined that your statements unequivocally violate the City's Administrative Procedure Order, Section II-#1B Respectful Workplace Conduct policy (the "Policy"). (A copy of the Policy is attached as Exhibit B). The Policy specifically prohibits you from, among other things, engaging in conduct on social media, with a willful or conscious disregard of the feelings, rights or safety of others, in a manner perceived by a reasonable person to be derogatory, insulting, bullying, humiliating, sabotaging or undermining of a person's work performance, slanderous, malicious rumor-spreading or the like. Moreover, the Policy prohibits you from retaliating against those who participated in an investigation by, for example, using social media in a manner "intended to injure or harm someone as a response to an action taken or perceived to have been taken; revenge."

In your November 7, 2019 Facebook post, you violated the policy by, among other things, insulting the former Chair of the City's Commission for the Prevention of Violence Against Women ("CPVAW"), Kevin Grossman when you described him as a hypocritical white man. Given the proximity of time between your comments and the prior investigation report, a reasonable person would conclude from your Facebook post that your action was retaliatory as it was based, in part, on Mr. Grossman's "complain[t] in the Rose report" about your conduct.

Councilmember Drew Glover
November 18, 2019
Page 2

You also insinuated, which led the public to believe, that Mr. Grossman and the former Vice-Chair of CPVAW Leila Kramer had an ulterior political motive for resigning from their roles at the CPVAW and that the cancelation of the CPVAW meeting was entirely their faults. Your insinuations are unwarranted and unrelated to the City's legitimate business interest. Your severe and egregious conduct was intended to or would be perceived by a reasonable person to be derogatory, insulting, slanderous or malicious rumor-spreading, and undermining Mr. Grossman's and Ms. Kramer's hard work and dedication with the CPVAW. Accordingly, your actions constitute a violation of the Policy.

Of importance, just recently in July 2019, you were informed by the City that you had violated this same Policy with respect to your conduct toward a City staff member. You were encouraged by the City's Human Resources Director to review the Policy and to refrain from engaging in on conduct that may give rise to future complaints. You were also directed not to retaliate against anyone who participated in the Rose investigation. Nonetheless, it is evident that your conduct is still giving rise to new complaints that are similar to those in the Rose Report.

Based on the foregoing, I am recommending that the Council be apprised of this development for further consideration and that you conduct yourself in a manner to adhere to the spirit and letter of the Policy.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP

TIMOTHY L. DAVIS

Attachments