

OUTLINE OF ETHICS BOARD RESOLUTION PROCESS

I. RECEIPT AND INITIAL DETERMINATION BY BOARD OF ETHICS

- Upon receipt, Confidential Notice of Potential Violation will be assigned an identification number for tracking and to protect confidentiality, investigation and deliberation.
- The Notification of Potential Violation will be scheduled for review by the Board of Ethics at its next meeting.
- The Board of Ethics convenes in public session, and moves to executive session (non-public) to review a Notification of Potential Violation.
- The Board of Ethics will first determine if the facts alleged in the Notification of Potential Violation, if proven, would constitute a violation of the Ethics Code
- If the Board of Ethics determines that the facts alleged in the Notification of Potential Violation, even if proven, do not constitute a violation, or that the Board lacks jurisdiction to address the matter described in the Notification of Potential Violation, the Board of Ethics will return the notification to the party who filed it, without further action.
- Notifications of Potential Violation returned without further action remain confidential.
- If the Board of Ethics determines that the allegation described in a Notification of Potential Violation, if proven, may constitute a violation of a matter within the Board's jurisdiction, then a copy of the Notification of Potential Violation will be given to the individual(s) named in the notification, along with a copy of this Outline of Ethics Board Resolution Process.

II. WHEN A COMPLAINT IS FILED

- If you are identified in a Notice of Potential Violation as a person who may be in violation of the Ethics Code rules, then you can elect to hold the proceeding in public, or you can keep the proceeding confidential.
- If you are a person identified in a Notice of Potential Violation as either a person who may be in violation of the Ethics Code rules or who has information about a potential violation, or you are the person filing the Notice of Potential Violation, then:
 1. You can bring legal counsel or other representative of your choice with you when you meet with the Ethics Board.
 2. You can identify other individuals and documents that you would like the Ethics Board to interview or review.
 3. If an individual with important information bearing on the Notification of Potential Violation is unwilling to come forward with information, you may request the Ethics Board to subpoena the person and any documentary evidence.
 4. During a proceeding before the Board of Ethics, you and your representative may suggest questions to the Board of Ethics for inquiry by a member of the Ethics Board.

- These rules apply during the Board's investigation:
 1. The Board will proceed in executive session unless the person responding to the notice of violation requests the Board to proceed in public hearing.
 2. When the Board proceeds in executive session, the proceeding and the matters before the board will be confidential until the Board issues its Final Report.
 3. In appearing before the board in executive session, you are required to maintain confidentiality until the Board's Final Report is issued.
 4. All questions during the Board's investigation will be posed through and by a member of the Board.
 5. Consistent with Due Process, the Ethics Board may limit or prohibit questions suggested to the Board.
 6. Technical Rules of Evidence do not apply.
 7. The Findings of the Board of Ethics must be based upon reliable and relevant information presented to the Board.
 8. In weighing the evidence, the board uses the civil standard of proof, by a preponderance of the evidence, to determine if there has been a violation of this chapter.

III. FURTHER ACTION AND FINAL REPORT OF THE BOARD

- Using the identification number assigned to the Notice of Potential Violation, the Board of Ethics will vote in open session on these questions:
 1. Whether the Board finds by a preponderance of the evidence one or more violations of matters within the jurisdiction of the Board; and
 2. Whether the Board recommends further administrative or remedial actions; and
 3. What specific sanctions, corrective actions or referrals, if any, the Board recommends.
- If you or your actions are the subject of the Board's action and you agree that you have committed the violation, the board has the authority to formulate a proposed resolution and settlement with you, for approval by the administration, assembly, or school board, depending on your municipal status. If approved, the resolution and settlement will be a public document.
- If there is no resolution and settlement, the Ethics Board will prepare a written report at the conclusion of the investigation, that will include these items:
 1. A summary of the investigation;
 2. A list of any documents submitted to the Board;
 3. A description of any proceedings before the Board including, but not limited to, a synopsis or outline of any testimony heard by the Board. The Board is not required to record or make a stenographic record of any proceedings before it;
 4. A statement of whether the Board found by a preponderance of the evidence, one or more violations of matters within the Board's jurisdiction;

5. The Board's recommendations for further administrative or legal action;
 6. What sanctions or corrective actions, if any, the Board recommends;
 7. Whether the Ethics Board discussed corrective action with the respondent and, if so, whether the respondent agreed.
- Ethics Board action is generally completed within 90 days after the first meeting by the Board of Ethics on the Notice of Potential Violation, but the Board of Ethics may extend the completion date for up to an additional 60 days.
 - If the Notice of Potential Violation is substantiated, in whole or in part, a copy of the report will be given to the person under investigation with any recommendations from the Ethics Board for further remedial action.
 - The Board may recommend corrective action, discipline, or referral for additional adjudication, depending on the results of the Board's investigation.
 - The final written report of the Ethics Board is a public document. A copy will be given to the mayor, assembly, school superintendent, or school board, depending on where the person works for the Municipality, and a copy will be given to the municipal clerk for electronic publication.
 - The person who filed the Notice of Potential Violation will be notified when the report has been furnished to the municipal clerk for electronic publication as a public document.