

CONFIDENTIAL

BOARD OF EDUCATION OF FREDERICK COUNTY
191 South East Street
Frederick, Maryland 21701

Attention: Ethics Panel

COMPLAINT

To the Ethics Panel of the Board of Education of Frederick County:

Date Filed _____

Name of Complainant: _____

Address of Complainant: _____

Complainant charges: _____

Complainant alleges a violation of Section _____ of the Ethics Policy and supports the above charges with the attached statement, which has been signed and dated by the Complainant.

I hereby declare and affirm under the penalties of perjury that the contents of this document and any attachment(s) are true and correct to the best of my knowledge, information, and belief.

Signature of Complainant

RULES OF PROCEDURE FOR HEARINGS BEFORE THE ETHICS PANEL

I. Purpose

These rules of procedure govern formal hearings before the Ethics Panel in cases of complaint filed under the Ethics Policy.

II. Applicability

These rules govern hearings of complaints within the responsibility of the Ethics Panel.

III. Definitions

- A. "Complaint" means written documentation from any person or persons of alleged violation or violations of any section or sections of the ethics Policy of the Board of Education of Frederick County on the part of anyone covered by the policy.
- B. "Counsel" means one who is admitted to practice before the Maryland Court of Appeals.
- C. "Presiding Officer" means the chairperson of the Ethics Panel or other designated Panel member who may preside in the absence of the chairperson.
- D. "Written notice" under these procedures shall be completed upon actual delivery or upon deposit of said notice in the United States mail, stamped, and addressed to the Ethics Panel of the Board of Education of Frederick County, 191 South East Street, Frederick, MD 21701.

IV. Investigation Process

- A. The Ethics Panel, its counsel, or any other person designated by the Panel, shall be responsible for conducting investigations and preliminary inquiries and for presenting evidence to the Panel in connection with complaints being processed in accordance with these regulations.
- B. Each hearing before the Panel shall be held before not less than a quorum of the Panel.
- C. The presiding officer shall have charge of the hearing with full authority to permit or to limit the examination of witnesses, rule of the admissibility of evidence, with conferral of counsel, and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be administered to all witnesses testifying in the proceedings to be administered by a notary public or other officer of the court.
- D. Parties may be represented in any hearing by legal counsel. Counsel may submit evidence, examine and cross-examine witnesses and make objections, exceptions, and motions.
- E. Strict adherence to judicial rules of evidence shall not be applicable to evidentiary hearings conducted by the Panel. In each case, the test of admissibility shall be whether or not the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning.
- F. Panel encourages parties to submit information on the issues of fact and law. Such information shall be submitted no later than seven (7) calendar days prior to the date of the hearing.
- G. The presiding officer may limit, in advance, the time allowed for testimony by each party. Testimony by each party before the Panel shall not exceed 30 minutes unless the presiding officer shall allow additional time for good cause shown.
- H. The Panel shall notify and request the Board attorney to be present when testimony is heard by the Panel.
- I. The Panel shall ensure a record is made of the proceedings either by tape recording or the taking of minutes.

V. Due Process

Due process procedures will be followed in the hearing. These procedures will be:

- A. Opening statement by the presiding officer to explain reason for hearing.
- B. The complaint will be read into the record.
- C. Testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
- D. The parties will be given an opportunity to present evidence and testimony on their behalf and to call witnesses.
- E. The parties and their legal counsel will be afforded an opportunity to examine and to cross-examine all witnesses and parties.
- F. The Panel members may ask questions at any time during the proceedings.
- G. Each party may make a closing statement. The complainant will make the first closing statement, and the respondent will make the final closing statement.
- H. After adjournment, the panel will privately deliberate and decide the case, and may seek advice of counsel.

VI. Findings

- A. After consideration of all the evidence, the Panel shall prepare a written report setting forth findings of facts and conclusions with respect to each of the alleged violations.
- B. If the Panel concludes that the respondent has not violated any provisions of the Ethics Policy, it shall enter an order dismissing the complaint and shall advise the complainant, respondent, and the Board of Education. Such order is considered confidential and may not be disclosed. Confidentiality may be waived by the respondent.
- C. If the Panel concludes that the respondent has violated any of the provisions of the Ethics Policy, it shall forward its recommendations to the Board of Education with written notice to the complainant and respondent. Such report shall be deemed a public record within thirty (30) days of its issuance.

VII. Confidentiality

- A. Except as otherwise noted in Section VI., the proceedings, meetings, and activities of the Ethics Panel shall be conducted in a confidential manner.
- B. The identity of the complainant shall be disclosed to the respondent in order to afford respondent the opportunity to appropriately respond to the charges.
- C. Information may be disclosed as determined by the Panel as necessary to conduct a preliminary inquiry, investigation, or hearing.