

## House Ethics Panel Procedure for Handling Ethics Complaints

1. Complaints must be in writing and signed by the Complainant. A complaint may be made by any person, but it must be in regard to alleged unethical conduct committed by a member during the current biennium. Any Panel member may accept a complaint on behalf of the Panel.
2. The Panel provides the Respondent a copy of the complaint. The Respondent may file a response with the Panel, a copy of which the Panel shall provide to the Complainant.
3. The Panel determines whether there are reasonable grounds to believe that an ethical violation pertaining to the Vermont Constitution or House Rules has occurred, which may include judging the qualifications of a member.
  - A. If this criterion is not met, the complaint is closed and remains confidential. Notice is sent to the Complainant and the Respondent.
  - B. If this criterion is met, the Panel proceeds with an investigation.
4. Investigations.
  - A. General. An investigation includes interviewing witnesses and collecting any available documents.
  - B. Confidentiality. The investigation is confidential.
  - C. Outcome of investigation.
    - i. If the Panel determines that no ethical violation occurred; an ethical violation occurred but it is minor in nature; or there is not enough evidence to support a charge of an ethical violation, the complaint is closed and remains confidential.
      - I. Notice of the Panel's decision is sent to the Complainant and the Respondent.
      - II. The Panel may reopen a closed complaint in the future if the Respondent demonstrates a pattern of unethical behavior. The Panel may request that the Office of Legislative Council provide the Panel with prior complaints made against the Respondent, including those from prior bienniums, to enable the Panel to determine whether such a pattern exists.
    - ii. If the Panel determines there are reasonable grounds to believe the Respondent committed an ethical violation and the complaint is not closed as provided in subdivision (i) of this subdivision (C):
      - I. The Panel may enter into a confidential stipulation with the Respondent that may include a warning or discipline, such as a reprimand. The Panel advises the Complainant only that appropriate remedial action was taken, unless the

Respondent consents to the Panel informing the Complainant of the specifics of the stipulation.

- II. If the Respondent chooses not to enter into a stipulation, the Panel shall draft charges and set the matter for a hearing. The Complainant and the Respondent shall receive a copy of the charges and the details regarding the time, date, and location of the hearing. The Respondent may file an answer to the charges, a copy of which the Panel shall provide to the Complainant.

5. Hearings.

- A. General. The Panel conducts a hearing in which the Respondent can present his or her position, present evidence, call witnesses, and question witnesses called by the Panel. The Chair of the Panel shall preside and the Panel may hire independent counsel. The Respondent may hire his or her own counsel at the Respondent's expense.
- B. Confidentiality. The hearing is closed to the public, unless the Respondent asks that it be open to the public.
- C. Rules of procedure and evidence. The Panel is not bound by technical rules of evidence and may admit evidence that the Panel considers to be reliable, material, and relevant. The Chair makes evidentiary rulings, which may be overruled by a majority of the Panel present at the hearing. The decision of the Panel cannot be based solely on hearsay evidence.
- D. Burden of proof. Burden of proof that an ethical violation occurred is clear and convincing evidence. This standard indicates that the alleged ethical violation is highly probable or reasonably certain. Evidence is "clear" if it is certain, unambiguous, and plain to the understanding; and it is "convincing" if it is reasonable and persuasive.

6. Findings.

- A. If the Panel finds an ethical violation did not occur, it will dismiss the complaint. This dismissal is confidential. Notice of dismissal is sent to the Complainant and the Respondent.
- B. If the Panel finds an ethical violation occurred, it will introduce for the House's consideration a House resolution containing the evidence presented, the Panel's findings, and its recommendations for disciplinary action.

7. Confidentiality and maintenance of records.

- A. Confidentiality. Except for the House resolution described in subdivision (6)(B) of this Procedure:
  - i. Members of the Panel and the Office of Legislative Council shall keep confidential any information received and any records produced or acquired in accordance with this Procedure.

- ii. All records produced or acquired in accordance with this Procedure are not subject to the Public Records Act.
- B. Maintenance of records. The Office of Legislative Council shall maintain all records associated with handling any ethical complaint under this Procedure.
- C. State Ethics Commission. So long as the State Ethics Commission is required to keep confidential complaints and related documents in its custody in accordance with [3 V.S.A. § 1223\(c\)](#), the Panel may provide to the Commission notice of the final disposition of a complaint that was referred to the Panel by the Commission.