INTERNAL BOARD OPERATIONS: Ethics Code

Ethics Review Panel

I. Policy Statement

There is an Ethics Review Panel (Panel) of the Baltimore County Public Schools (BCPS) that consists of five members appointed by the Board of Education of Baltimore County (Board).

II. Panel Members

A. At least one member of the Panel must be an attorney duly licensed to practice law in the State of Maryland and who is in good standing with the State Court of Appeals.

B. All members are eligible to serve two five-year terms and continue to serve until their successors are appointed and qualify.
   1. Terms will be staggered to ensure continuity and political independence.
   2. Terms will begin on January 1 and expire on December 31.
   3. A Panel member may serve until a successor is appointed by the Board. The successor’s term will expire on the same date as the panel member he or she is replacing.

C. A member of the Panel will be replaced in the event of:
   1. Death;
   2. Resignation;
   3. Just cause, which may include failure to attend, without good cause, more than fifty percent of the Panel’s scheduled meetings in one calendar year or three consecutive absences subject to the discretion of the Panel;
   4. The Board shall appoint qualified persons to complete any unexpired terms. Any appointee to an unexpired term shall be eligible to be reappointed for two additional terms.

III. Qualifications of Panel Members

A. Every person who resides in Baltimore County and is at least eighteen years of age is eligible to serve on the Panel if that person:
   1. Is a U.S. citizen;
2. Does not hold an elected or appointed office; is not a candidate for an office of the United States, the State, any political subdivision, incorporated municipality of the State, or in any political party;
3. Is not an incumbent member of the Board, a school official or employee, or employed by a business entity subject to the authority of the Board; and
4. Is not a registered lobbyist for any organization in the State that may create a conflict of interest.

B. Panel members may not participate in the decisions or discussion of any matter involving his/her immediate family or as restricted in participation by Policy 8363, Conflict of Interest – Prohibited Conduct.

IV. Role of the Panel

A. The Panel shall:
   1. Serve as an advisory body to the Board;
   2. Create, receive, and maintain all forms required by the Ethics Code;
   3. Interpret the Ethics Code and provide advisory opinions to persons subject to the Ethics Code;
   4. Process and make determinations regarding complaints alleging violations of the Ethics Code;
   5. Refer findings regarding complaints and other enforcement matters to the Board for action;
   6. Issue a written report to the Board on each case heard by the panel; and
   7. Establish a public information and education program regarding the purpose and implementation of the Ethics Code.

B. Confidentiality

   From the time a complaint is filed with the Panel until there is a final determination by the Board, all actions and information shall be treated as confidential, in accordance with the laws of the State of Maryland.

V. Exceptions and Modifications

A. The Panel or the Board, as appropriate, may recommend exceptions or modifications to the provisions of these Ethics policies if it is determined that there would be an unreasonable invasion of privacy, there would be a significant reduction of the availability of qualified individuals for public service, or it is deemed not necessary to preserve the purposes of these Ethics policies. Except that neither the Panel nor the Board may grant
exceptions or modifications to the conflict of interest and financial disclosure provisions for Board members.

B. Recommendations for exceptions are not approved or rejected until the Board acts.

VI. Administration of the Panel

A. The Panel will develop rules and procedures in consultation with the Board’s attorney.
   1. The Board’s attorney shall assist the Panel in carrying out its duties.
   2. If a conflict of interest prevents the Board’s attorney from assisting the Panel in a specific matter, the Panel shall identify other counsel to assist the Panel in the matter.

B. The Panel shall elect a chair from among its members.
   1. The term of the chair will be one year.
   2. The chair may be re-elected.

C. The Panel will meet, at a minimum, on a quarterly basis and will submit minutes to the Board. However, any Member of the Panel may call a meeting of all members should an unexpected circumstance arise.

D. An affirmative vote of at least three members of the Panel is required for any and all action of the Panel.

E. Members of the Panel will receive no compensation for their services. They will, however, be reimbursed for reasonable and necessary expenses incurred in the discharge of their official duties.

F. The Panel will administer the provisions of this Ethics Code.

G. The Superintendent shall provide administrative support to the Panel.
   1. The Superintendent shall ensure that sufficient funds are provided for legal, technical, and clerical staff support for the Panel.
   2. As an advisory body to the Board, the Panel may be assisted in carrying out its responsibilities by the Board's attorney and/or internal auditor.
   3. The members of the Panel shall be insulated by the defense of sovereign immunity as provided by the laws of the State of Maryland. The Board shall provide, in accordance with Maryland law, inclusion for the Panel and each of its members comprehensive liability insurance coverage (either through the Board's policy or
otherwise) from any personal or joint civil liability action arising out of and in the course of the performance of their duties.

VII. Advisory Opinions

A. Any Board member, school system official, employee, consultant, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Panel issue an advisory opinion concerning the applications of these policies.

B. The Panel will respond promptly to such requests, providing interpretations of the policies contained in the Code, based on the facts provided or reasonably available to it.
   1. The Panel will make every attempt to issue an advisory opinion within sixty (60) days of the receipt of the request.
   2. Copies of the panel’s advisory opinions, with the identity of the subject(s) deleted, will be made available to the Board, the Superintendent, and the public in accordance with applicable State law regarding public records.

VIII. Complaints

A. Any person may file with the Panel a complaint alleging a violation of any of the provisions of the Ethics Code.
   1. All complaints must be submitted in writing, under oath, and must contain a signature(s) of the individual(s) with knowledge of the complaint.
      a. The Panel may refer a complaint to the Board's attorney or other legal counsel, if appropriate, for investigation and review.
      b. Subject to the Board’s approval, the Panel may engage the services of other individuals to assist in its investigation.
         (1) Funding under this subsection shall be subject to Board approval.
         (2) Individuals contracted under this subsection shall be under the supervision of the Board’s attorney or other legal counsel as outlined in subparagraph VIII(A)(1)(a).
   2. If the Panel determines that there are insufficient facts upon which to base a determination of violation, the Panel shall recommend to the Board that the complaint be dismissed.
   3. If there is reasonable basis for believing a violation has occurred, the individual who is the subject of the complaint will be given an
opportunity for a hearing conducted by the Panel, in accordance with the Board's hearing procedures for actions on the record. (See, Board Policy 8340, *Appeal Before the Board of Education*, and Board Policy 8341, *Appeal Before a Hearing Examiner*)

4. A respondent may propose a settlement or cure to the Panel prior to the hearing. If the Panel determines that the proposed settlement or cure is consistent with the purposes of the Ethics Code, the Panel shall recommend that the Board accept the proposed settlement or cure. If the Board concurs with the recommendation of the Panel, the Board shall accept the proposed settlement or cure.

B. Hearings

1. The Panel will act as the hearing examiner and conduct the opportunity hearing.

2. The Panel’s chair will conduct the hearing and provide for its efficient administration.

3. All evidence will be presented on the record, and a written transcript of the hearing will be produced.

4. All testimony will be taken under oath, and all parties will be provided with the right to cross-examine witnesses.

5. The Panel will produce a written report to the Board in every case.
   a. The report will state, where appropriate, that a determination was reached, that a violation of the Ethics Code had occurred, or that evidence was inconclusive and the Panel was unable to reach a final determination.

6. Any final determination resulting from the hearing will include:
   a. Written findings of fact,
   b. A statement of alleged violation,
   c. A conclusion of law, and
   d. Recommendations, which may include:
      (1) Dismissal of the complaint, or
      (2) Recommendations for corrective action, disciplinary or other appropriate personnel action, up to and including termination.

7. The Panel will have the right to demand the appearance of any school system official, employee, consultant, or volunteer of the Board at any meeting or hearing.

8. The Panel will have the right to inspect and/or have copies produced of any relevant document, paper, electronic media, or other tangible object in the possession of the BCPS and/or the Board.

9. The formal rules or evidence and procedure do not apply to proceedings before the Panel. Neither the Board nor the Panel has the authority to subpoena documents or witnesses.
C. Final Determination when Hearing is Declined
   1. If the respondent declines the opportunity for a hearing, the Panel shall issue its written recommendation. Such recommendation shall include:
      a. Written findings of fact,
      b. A statement of alleged violation,
      c. A conclusion of law, and
      d. Recommendations, which may include:
         (1) Dismissal of the complaint, or
         (2) Recommendations for corrective action, disciplinary or other personnel action, up to and including termination.

D. Final Action
   1. The Panel shall issue its recommendation to the parties and the Board within sixty (60) days of the close of the hearing.
   2. If the Board concurs with the findings of a violation and recommendations of the Panel, the Board may take enforcement action as provided in the Ethics Code.
   3. The Board may dismiss a complaint on the recommendation of the Panel or if the Board disagrees with a finding of violation by the Panel.
      a. Concurrence by the Board with a finding of violation by the Panel is public information.

IX. Rules of Procedure

A. The provisions of Board Policy 8341, Appeal Before a Hearing Examiner, will be followed, except that the Panel will act as hearing examiner.

B. A majority vote of the Panel consists of three or more votes.

C. A quorum consists of three members present.

D. The Panel will adopt rules for the transaction of its business.

E. The Panel will keep a file of the minutes of its proceedings.

F. All official actions and decisions of the Panel will be in writing.
Legal References: Annotated Code of Maryland, General Provisions Article §5-102, Legislative Findings; Policy; Liberal Construction
Annotated Code of Maryland, General Provisions Article §§5-815 to 5-821, Local Boards of Education
COMAR 19A.05, ETHICS: Board of Education Regulations

Related Policies: Board of Education Policy 8340, Appeal Before the Board of Education
Board of Education Policy 8341, Appeal Before A Hearing Examiner

Policy

Board of Education of Baltimore County

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