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

Telephone 240-586-8905
Fax 240-586-8949

Rules of Procedure for Complaints filed with the Ethics Panel of the Board of Education

I. Purpose & Applicability

These rules of procedure govern the review of complaints of a violation of Board Policy 109 and Policy 305, the governing "Ethics Policies," as filed with the Ethics Panel of the Board of Education (the "Ethics Panel"). These rules apply only to proceedings before the Ethics Panel to review complaints alleging violations of the Ethics Policies.

II. Process

A. *Receipt of Complaint and Subsequent Communications*

1. Within five (5) working days of receipt of the complaint, the Chief Legal Counsel or their designee shall confirm receipt and notify the individual filing the complaint (the "Complainant") of the assigned complaint number and the date upon which the complaint will be submitted to the Ethics Panel for consideration (if appropriate).
2. All communications between the Complainant, the subject of the complaint (the "Respondent"), or anyone with information relevant to the complaint and the Ethics Panel shall be conducted through the Chief Legal Counsel with a copy to the Board's Executive Assistant.

B. *Confidentiality*

1. Except as otherwise noted, the proceedings, meetings, and activities of the Ethics Panel in processing a complaint shall be conducted in a confidential manner.
2. The identity of the Complainant shall be held in confidence, except with respect to the Respondent in order to afford the Respondent the opportunity to appropriately respond to the charges.
3. The Ethics Panel may disclose information regarding the complaint as needed to conduct its inquiry into the allegations of an ethics violation.

C. *Initial Review*

1. Chief Legal Counsel will conduct an initial review of the complaint to confirm:
   a. That the complaint form has been completed;
   b. That the complaint identifies the section(s) of the applicable Board's ethics policy the subject is alleged to have violated or is unsigned;
   c. That any narrative attachment is in the prescribed format and does not exceed ten (10) pages in length;
   d. That any and all attachments are in PDF format; and

e. That the complaint form is attested to and signed by the Complainant.

2. If Chief Legal Counsel determines that the complaint does not meet any of the requirements for filing, the complaint will be returned to the Complainant with instructions for correcting any deficiencies. No further action will be taken on the complaint until all identified deficiencies are corrected, except to notify the Ethics Panel of receipt of the complaint and the results of the initial review.

3. Once Chief Legal Counsel has determined that the complaint is complete, the matter will be set down for the next scheduled meeting of the Ethics Panel and Chief Legal Counsel shall:

   a. Notify the Respondent that the complaint has been filed, and

   b. Provide the Respondent with a copy of all materials submitted by the Complainant in support of the complaint.

D. *Ethics Panel Review*

1. Upon presentation of the complaint, the Ethics Panel shall, in its sole discretion, make a determination on the manner in which the complaint will be considered. This may include:

   a. A request for a written response;

   b. Scheduling independent interviews;

   c. Scheduling a hearing;

   d. Immediate dismissal of the complaint without receipt of further information; and/or

   e. Additional or alternative steps to provide the Ethics Panel with the necessary information to consider the complaint.

2. The Complainant and Respondent shall be simultaneously notified in writing of the mechanism by which the Ethics Panel will consider the complaint.

3. The decision of the Ethics Panel, regardless of the mechanism for considering the complaint, will be made by a quorum of the full Ethics Panel and may be based upon the recommendation of a designated three (3) person complaint review committee composed of Ethics Panel members.

4. The decision of the Ethics Panel shall be in writing setting forth the rationale for the decision with respect to each violation alleged in the Complaint and shall be issued simultaneously to the Complainant and the Respondent within thirty (30) days of the Ethics Panel meeting at which the decision is made.

   a. If the Ethics Panel concludes that the Respondent did not violate any provisions of the applicable ethics policy, it shall enter an order dismissing the complaint and shall advise the Complainant, the Respondent, and the Board of Education of the decision. The order is considered confidential and may not be disclosed, except with express permission of the Respondent.

   b. If the Ethics Panel concludes the Respondent has violated any provision of the applicable ethics policy, it shall forward its recommendation(s) to the Board of Education with written notice to the Complainant and Respondent. The Board will then act upon the Ethics Panel recommendation at the next available closed session meeting of the Board.

E. *Process for Written Responses*.

1. The Respondent shall be afforded thirty (30) days to submit a written response to the Complaint, which shall not exceed ten (10) pages in length. The Respondent may submit any documents they believe support the response.
2. The Complainant shall have fourteen (14) days from the date the Respondent's submission in response to the complaint is received to submit a reply, which shall not exceed (5) pages in length. The reply is an opportunity to respond to the Respondent's submission; it is not an opportunity to raise new arguments or facts that were not previously presented, except as is necessary to respond to the reply.
3. There shall be no further submissions by either party beyond the Respondent's response and the Complainant's reply, except as may be directed by the Ethics Panel.
4. All submissions, whether by Complainant or Respondent, will be made via e-mail to BoardAppealsComplaints@fcps.org and LegalServices@fcps.org or in such manner as may otherwise be directed. Chief Legal Counsel will forward a copy of the Respondent's response to the Complainant and of the Complainant's reply to the Respondent.
5. Either the Respondent or the Complainant may request one extension of time of no more than fourteen (14) days to provide the Ethics Panel with their submission. Any additional extensions may only be granted with the approval of the Chair of the Ethics Panel or of a majority of the designated Ethics Panel review committee.
6. Any narrative submitted in response or reply shall be in Times New Roman, 12-point font with one-inch margins on all sides. Any documents submitted in support of a response or reply shall be in PDF format and shall be consecutively numbered in the bottom right corner of the page. The failure to adhere to these requirements will result in the rejection of the submission and will not constitute grounds to extend the time for the submission.
7. The submissions of the parties shall be considered at the next scheduled meeting of the Ethics Panel. If the Ethics Panel designates a review committee, the review committee shall meet to consider the submissions in advance of the next scheduled meeting of the Ethics Panel or the meeting immediately thereafter and shall make a recommendation to the Ethics Panel at that time.

F. *Interview Process*

1. The interview process is a less formal procedure than a hearing for considering the complaint. Accordingly, the interviews will not be under oath, recorded or transcribed, or subject to the rules of evidence for submission of documents. Notes may be taken to help the Ethics Panel make its decision or the Ethics Panel review committee make its recommendation. Although either party may bring a representative or attorney to an interview, because of the informal nature of the proceedings, having a representative or attorney is neither required nor encouraged.

2. The interview shall be a conversation between the individual and the Ethics Panel or Ethics Panel review committee and shall be facilitated by Chief Legal Counsel. It is not intended to be an interrogation. No one other than the Ethics Panel or Ethics Panel review committee, the individual being interviewed and their attorney or representative, Chief Legal Counsel, and a designated note taker may be present for an interview. Interviews should be limited to one (1) hour in length.
3. The sequence of interviews shall be:
    a. The Respondent shall be interviewed first.
    b. Any witnesses identified in the complaint or during the Respondent's interview that the Ethics Panel or Ethics Panel review committee believes may have relevant information shall be interviewed next.
    c. The Complainant shall be the final interview conducted.
4. The entire interview process may be held virtually or in-person and should be completed as quickly as is possible and the complaint shall be scheduled for the first Ethics Panel meeting after the completion of all interviews for the Ethics Panel to receive a recommendation from the Ethics Panel review committee and/or make a decision on the validity of the complaint.
5. During an interview, any participant may offer documents to the Ethics Panel or Ethics Panel review committee that they believe is relevant to the adjudication of the complaint. If the interview is held virtually, the participant may share the document with Chief Legal Counsel in advance, during the interview, or – with leave of the Ethics Panel – after the interview is completed.
6. No discipline will result from information received from an employee during an interview. However, if the Ethics Panel determines it is appropriate, a referral may be made for the initiation of disciplinary proceedings at which time the employee will be afforded all appropriate due process rights.
7. Employees called for an interview shall be excused from their regular work responsibilities to participate without requiring them to take leave.

G. *Hearing Process*

1. Hearings are a more formal process for considering the complaint than the interview process. Accordingly, any testimony taken during the hearing shall be under oath administered by a notary public or other officer of the court. The hearing shall be recorded, in some fashion, whether held in-person or virtually, although a transcript is not strictly required. Although either party may bring a representative or attorney to the hearing, as the hearing is not a legal proceeding, one is not required nor encouraged.
2. The Ethics Panel shall designate a member of the panel or of the Ethics Panel review committee to preside over the hearing. The presiding Ethics Panel member shall have full authority to permit or to limit the examination or cross-examination of witnesses (including as to redundant questioning), rule on the admissibility of evidence, confer with counsel, and adjourn or recess the hearing.
3. Except for an unrepresented Complainant or Respondent, who may provide narrative testimony, all testimony must be submitted through a question-and-answer format with the party offering the testimony or their counsel posing the questions. Any member of the Ethics Panel or of the Ethics Panel review committee may pose a question to any witness at any time during their testimony.

4. The judicial rules of evidence shall not be applicable to evidentiary hearings conducted by the Ethics Panel. The test of admissibility shall be whether or not the evidence is reasonably relevant to a material issue raised by the complaint and whether it has substantive probative value. The presiding Ethics Panel member may limit or refuse to admit cumulative or repetitive evidence.
5. The Ethics Panel does not have authority to subpoena witnesses or documents in connection with a hearing.
6. In an effort to limit the scope of the hearing,
    a. The Ethics Panel may require the Complainant and the Respondent to submit a list of witnesses with a brief statement as to their expected testimony and documents they intend to submit in support of their position, to identify facts they believe are undisputed, and to provide a statement as to any relevant law in advance of the hearing; and
    b. Any individual's testimony may be limited to thirty (30) minutes, unless the presiding Ethics Panel member allows additional time for good cause shown.
7. FCPS Chief Legal Counsel or another attorney from the FCPS Legal Services Division shall be present at any hearing conducted by the Ethics Panel or the Ethics Panel review committee.
8. The hearing shall proceed in the following manner:
    a. The presiding Ethics Panel member shall make a statement after beginning the recording regarding the purpose for the hearing with reference to the date, time, and location at which the hearing is being held.
    b. Each party shall identify themselves and their preferred mailing address and e-mail address for the record. If a representative or legal counsel is present for any individual, they shall similarly identify themselves.
    c. The complaint shall be read or summarized by the presiding Ethics Panel member.
    d. Each party will be given the opportunity to give an opening statement of no more than five (5) minutes. Complainant's opening statement will be heard first; Respondent shall immediately follow Complainant's opening statement. Either party may waive their opening statement. If legal counsel is present for the Complainant or Respondent, legal counsel may offer the opening statement.
    e. Complainant shall present their case first. This shall include any testimony they wish to offer, the testimony of any witnesses, and the submission of documentary evidence.
    f. Respondent will be afforded an opportunity to cross-examine any witness presented during the Complainant's case, including the Complainant, either directly or through counsel, if one is present.

g. After the completion of Respondent's cross-examination, the Complainant may offer a brief narrative or a redirect examination of the witness.

h. Respondent shall present their case after the Complainant completes their presentation. This shall include any testimony they wish to offer, the testimony of any witnesses, and the submission of documentary evidence.

i. Complainant will be afforded an opportunity to cross-examine any witness presented during the Respondent's case, including the Respondent, either directly or through counsel, if one is present.

j. After the completion of Complainant's cross-examination, the Respondent may offer a brief narrative or a redirect examination of the witness.

k. At the conclusion of the Respondent's final witness, Respondent or their counsel may present a closing statement of no more than ten (10) minutes. The purpose of the closing statement is to summarize the testimony and evidence submitted and present an argument based on the facts in support of that individual's position.

h. At the conclusion of the Respondent's closing statement, the Complainant or their counsel may present a closing statement of no more than ten (10) minutes for to meet the same purpose.

i. The Ethics Panel may direct that, in addition to or in lieu of the closing statements, the parties submit a written closing brief.

7. There shall be no motion practice before the Ethics Panel or the Ethics Panel review committee in connection with the review of a complaint.

8. No discipline will result from information received from an employee during a hearing. However, if the Ethics Panel determines it is appropriate, a referral may be made for the initiation of disciplinary proceedings at which time the employee will be afforded all appropriate due process rights.

9. Employees called to testify at a hearing shall be excused from their regular work responsibilities to participate without requiring them to take leave.

III. Adoption, Approval, & Implementation

A. These *Rules of Procedure for Complaints filed with the Ethics Panel of the Board of Education* were adopted by the Ethics Panel on August 28, 2026 and replace and supersede the *Rules of Procedure for Hearings Before the Ethics Panel*. By decision of the Ethics Panel, the updated rules of procedure will apply to any proceeding currently pending before the Ethics Panel.

B. These *Rules of Procedure for Complaints filed with the Ethics Panel of the Board of Education* will be submitted to the Board of Education for review and approval at the earliest opportunity. Unless and until the Board determines that these rules of procedure require further revision, these rules shall take effect immediately.



Karen George — August 28, 2026
Chair, Ethics Panel