

HOUSE COMMITTEE ON ETHICS

RULES OF PROCEDURE

1. PURPOSE. The Committee shall meet only: (a) to review and dispose of complaints against members (other than those arising out of election contests), as authorized by House Rule 6.10, which are submitted to the Speaker prior to adjournment sine die; (b) to adopt written procedures for handling complaints; (c) to review and make recommendations regarding ethical guidelines; (d) to consider complaints alleging violations of open meeting requirements that the Speaker has referred to the Committee under House Rule 6.23; and, (e) to consider matters referred to it by the Committee on Rules and Legislative Administration or the House.

Pursuant to House Rule 6.10, the following shall serve as the written procedures and due process requirements for handling complaints referred to the Committee on Ethics.

2. COMPLAINTS. As specified in House Rule 6.10, a complaint regarding the conduct of a member of the House shall be made by two or more members of the House, shall be in writing and under oath, shall name the member or members charged and the actions complained of, shall present with specificity the factual evidence supporting the complaint, and shall be submitted to the Speaker.

On matters of complaints against members, the House Research Department shall serve as staff to the Committee only, and not to either the complainants or any member named in a complaint.

If a complaint is withdrawn by the complainants, the Committee shall immediately terminate all proceedings respecting the complaint, except as the Committee deems necessary to determine whether the complaint is frivolous for purposes of action under Rule 8.

3. PROCEEDINGS TO BE HELD IN PUBLIC; EXCEPTIONS. The existence and substance of the complaint, including any supporting materials, and all proceedings, meetings, hearings and

records of the Committee are public; except that the committee, upon a majority vote of the whole Committee, may meet in executive session to consider or determine the question of probable cause, as provided in Rules 6 and 7, to consider a member's medical or other health records, or to protect the privacy of a victim or a third party.

4. DUE PROCESS. Any member named in a complaint must be fully informed of due process rights. The member must be given a copy of the complaint and must be given timely notice of and the right to be present at all meetings and hearings. The member has the right to respond to all charges, to be represented by counsel, to call and cross-examine witnesses, to introduce exhibits, to be furnished with exhibits, documents, and evidence in possession of the Committee, and to rebut evidence offered by the complainants. The members making a complaint must be notified of all meetings and hearings on the complaint and must be given notice of their opportunity to offer evidence of matters alleged in the complaint.

5. COMMITTEE PROCEEDINGS; RECORDS. All public records of the Committee must be disposed of in accordance with House Rule 6.24. When the Committee meets in executive session, the proceedings, all evidence presented in the session, and all records of the session are confidential except insofar as the Committee determines, by a majority vote of the whole Committee, that items should be made part of the public record. The Committee shall advise all participants in an executive session of the confidentiality requirement. Confidential records of executive sessions must be kept by the Committee until the December 31 next following adjournment sine die, at which time the confidential records must be destroyed by the Chair of the Committee, or the Chair's designee, and notification of the destruction sent to the Chief Clerk.

6. MEETING ON PROBABLE CAUSE. The Committee shall, upon receipt of a complaint, hold a meeting within 21 days to determine whether there is probable cause to support the complaint. The Committee may, upon a vote of the majority of the whole Committee, defer its proceedings until the completion of ongoing criminal proceedings related to the conduct named in the complaint.

7. FINDING ON PROBABLE CAUSE. If a majority of the whole Committee finds, based upon the complaint and supporting and rebutting evidence presented by the complainants and the member or members named, sufficient factual evidence to believe that the allegations contained in the complaint are more probably true than not and that, if true, they tend to support disciplinary action, the Committee shall inform the Speaker and the member or members named that it has found probable cause and shall proceed to public hearings under Rule 10. If a majority of the whole Committee fails to find probable cause, the complaint shall be dismissed.

8. FRIVOLOUS COMPLAINTS. If a complaint is withdrawn or dismissed, and a majority of the whole Committee finds the complaint to have been frivolous, the Committee shall immediately

issue a public letter of reproof to the complainants and may recommend other disciplinary action against the complainants.

9. MINOR VIOLATIONS; INFORMAL RECONCILIATION. At any time during the proceedings, if a majority of the whole Committee finds that a violation of a law, rule, administrative policy, or norm of behavior was inadvertent, technical, or of a de minimis nature, or may not warrant disciplinary action by the House, the Committee may attempt to bring about voluntary remedial or other action by the subject of the complaint without disciplinary action. The Committee also may recommend clarification of a law, rule, policy, or norm of behavior and may caution the members of the House with respect to it.

10. FINAL HEARING. The hearing to make a final Committee determination on a complaint shall be held in public except insofar as the Committee votes to meet in executive session pursuant to House Rule 6.10 and Rule 3. The purpose of the hearing shall be to receive and evaluate the evidence offered in support of or opposition to disciplinary action and to make a final Committee determination on the complaint.

11. COMMITTEE DETERMINATION. If a majority of the whole Committee finds clear and convincing evidence in support of disciplinary action, the Committee shall, with or without comment, make a recommendation to the House for final disposition. If a majority of the whole Committee fails to find clear and convincing evidence in support of disciplinary action, the complaint shall be dismissed.

12. RECOMMENDATIONS. The Committee may recommend disciplinary action by the House as follows:

(a) The Committee may recommend expulsion. Expulsion is the ultimate penalty available to the House. It is the only sanction expressly referred to in the state constitution, which recognizes the gravity of this power by requiring a vote of two thirds to exercise it. Expulsion is a sanction that is properly reserved for the most serious violations of law, rule, standards, or duty, for conduct so abhorrent that it obliges the House to repudiate an elected representative of the people.

(b) The Committee may recommend censure. Short of expulsion, censure is the strongest formal statement of disapproval of the conduct of a member by the member's peers. It is used to condemn very serious misconduct that does not justify expulsion from the House. Censure is carried out by a majority vote of the House, through the adoption of a resolution of censure that is entered in the permanent Journal of the House.

(c) The Committee may recommend reprimand. Reprimand is the appropriate discipline for misconduct that warrants formal disapproval by the House but is not so serious as to justify censure. Reprimand is carried out by a majority vote of the House, through the adoption of a resolution of reprimand that is entered in the permanent Journal of the House.

(d) As part of a resolution of censure or reprimand, the Committee may recommend that the member be required to make financial restitution. This is appropriate in cases where the Committee finds that the misconduct was committed to secure, or resulted in, an undeserved personal financial benefit due to misuse or misappropriation of public funds or assets.

(e) As part of a resolution of censure or reprimand, the Committee may recommend that remedial or other action be required of the member, including a requirement that the member accept professional counseling or assistance.

(f) As part of a resolution of censure or reprimand, the Committee may recommend that the House impose other discipline that the Committee deems appropriate.

(g) Under the Minnesota Constitution, article IV, section 6, and article VII, section 1, a member who is convicted of a felony is not entitled to continued membership in the House, until restored to civil rights, and must, if necessary, be expelled.

This Committee action taken
., Chair