

Muncie Ethics Commission

Complaint Procedure

Purpose

To establish a process for implementing the complaint procedure set forth in Title IV, Chapter 42 of the City of Muncie Code of Ordinances entitled "Code of Ethics."

I. Reasonable Time

In computing any period of time prescribed or allowed by these rules, the provisions of Title I, Chapter 10, Section 10.12 shall be used.

II. Filing a Complaint

A. Form of Complaint

Any individual filing a complaint shall use the form approved by the Commission.

B. Commission's Agent for Receiving a Complaint

1. Complaints may be filed at the City Clerk's office, where they will be received on behalf of the Commission.
2. The City Clerk's office shall not accept any complaints not signed by the complainant.
3. The City Clerk's office shall stamp accepted complaints with the date received.
4. After accepting a complaint, the City Clerk's office shall assign it a file number.
5. The City Clerk's office shall treat each complaint as confidential information until such time as the Commission places it in the public record.
6. After receiving a complaint, the City Clerk's office shall forward it to the Chair of the Commission.

C. Complaints against the Commission or its Members

If the City Clerk's office accepts a complaint in which the Commission or any of its members is the respondent, it shall be forwarded to the City Attorney instead of the Chair.

D. Complaints Alleging a Criminal Act

1. After receiving the complaint, the Chair shall consult with the City Attorney to determine if the complaint alleges a criminal act.

2. If the City Attorney determines that the complaint alleges a criminal act, then the City Attorney shall forward the complaint to an appropriate law enforcement agency.
3. The Commission shall take no further action on complaints alleging a criminal act.

III. Notice and Initial Review

A. Reference by Complaint Number

All complaints shall be referred to and identified solely by complaint number unless or until the Commission approves further investigation of the complaint at a public meeting.

B. Public Records

1. As stated in Section 41.05 of the Code of Ethics, all records received or created by the Commission are subject to Indiana Access to Public Records Act and shall be either disclosed or withheld in accordance therewith.
2. Prior to placing any document in the public record or disclosing it to any external party, the Chair will consult with the City Attorney to ensure that information is disclosed or withheld in accordance with the Indiana Access to Public Records Act.

C. Complaints Filed by Employees

An employee, as defined in Section 40.01(F) of the Code of Ethics shall have the option to have their name and other identifying information redacted from copies of the complaint provided to the respondent under the provisions of paragraph C. below.

D. Notice to Respondent

1. The respondent shall be provided a copy of the complaint within seven (7) days of filing.
2. Supplementary investigative information provided by the complainant, such as potential witnesses or evidence, may be redacted or otherwise withheld from the copy of the complaint provided to the respondent.
3. The complaint will be sent to the respondent via a means that provides confirmation of delivery.

E. Initial Review

Within 15 days of the receipt of a complaint, the Commission shall meet in executive session to receive information regarding the complaint and discuss whether the complaint warrants further investigation.

IV. Acting on Complaints

A. Public Meeting

1. Within 30 days of the initial review in executive session, the Commission shall hold a public meeting for the purpose of taking initial action on the complaint.
2. At the public meeting the Commission shall take one or more of the actions listed in Section 42.01(D) of the Code of Ethics.
3. The Commission shall notify the respondent within 10 days of the decision by the Commission.

B. Dismissed Complaints

If the Commission dismisses a complaint according to the provisions of Section 42.01(D)(1), Section 42.01(D)(2), or Section 42.01(D)(4) of the Code of Ethics, the copy of the complaint with any appropriate redactions shall be placed in the public record.

C. Forwarded Complaints

1. If the Commission forwards a complaint to another appropriate official or department according to the provisions of Section 42.01(D)(5) of the Code of Ethics and dismisses the complaint, the copy of the complaint with any appropriate redactions shall be placed in the public record.
2. If, after forwarding the complaint, the Commission stays the complaint proceedings pending further action, the complaint shall remain confidential until the Commission takes further action that requires the complaint to be placed in the public record.

D. Further Investigation

1. If the Commission determines that further investigation is necessary according to the provisions or Section 42.01(D)(6), it shall determine the scope of the investigation and seek legal counsel, if necessary, as specified in Section 42.01(E) of the Code of Ethics.
2. Upon the Commission's determination that further investigation is necessary, the copy of the complaint with any appropriate redactions shall be placed in the public record.
3. If the Commission determines that further investigation is necessary, the Chair may assign two (2) or more members of the Commission to gather relevant information and report back to the Commission.
4. The results of the investigation shall be provided to the Commission in the form of a written report.

5. The written report prepared by the assigned Commission members shall remain confidential until the Commission takes further action that requires the complaint to be placed in the public record.

E. Undisputed Complaints

1. If the violation alleged in the complaint is undisputed, then the Commission shall issue recommendations for corrective action according to Section 42.01(D)(3) of the Code of Ethics and the copy of the complaint with any appropriate redactions shall be placed in the public record.
2. The recommendations issued shall be approved by a majority vote of the Commission as required by Section 41.04 of the Code of Ethics.

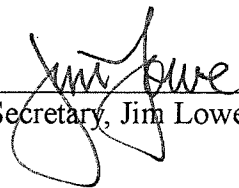
F. Public Hearing

1. If the Commission determines that probable cause exists to support a violation of the Code of Ethics according to the provisions of Section 42.01(D)(7) it shall schedule a public hearing on the matter.
2. The Commission shall identify which section or sections of the Code of Ethics are alleged to have been violated.
3. If the Commission schedules a public hearing, the hearing shall be conducted according to procedures compliant with Section 42.01(F) of the Code of Ethics and the respondent shall be provided copies of all evidence in the possession of the Commission.

Approved this 26th day of February, 2025



Chair, Charles Taylor



Secretary, Jim Lowe