



MACOMB TOWNSHIP ETHICS BOARD VIOLATION COMPLAINT POLICY AND PROCEDURE

Policy Information

Policy Number: BOE - 001
Last Approved: September 11, 2024

Effective Date: September 12, 2024
Next Review: September 11, 2026

Introduction & Purpose

The purpose of this policy is to establish a structured framework for the receipt and disposition of ethics complaints.

Reference Ordinance 278, Macomb Township

Policy

A. Where to File

Any individual, who believes a violation of the Macomb Township ethics ordinance has occurred, may file a complaint with the Ethics Board. This may be done by USPS or delivery in person to Macomb Township hall. If sent by mail or delivered in-person, it should be addressed to:

Ethics Board

**c/o Human Resources Director
Macomb Township
54111 Broughton
Macomb Township, MI 48042**

In the event the complaint is against the Human Resources Director (“HR Director”), the complaint shall be mailed or delivered in-person to the Township Supervisor, who shall stand in place and stead of the HR Director for purposes of these procedures

B. Form of Complaint

A complaint shall be in writing on a form prescribed by the Township Board. The complaint form shall be completed in full and contain the following requirements:

1. Name, address, telephone and email address of the Complainant (the person filing the complaint).

2. A statement of facts and circumstances that are believed to have occurred. A Complainant may attach any documentation or other evidence they wish to present in support of their complaint.
3. Specify the specific section(s) and/or subsection(s) of the Ethics Ordinance alleged to have been violated.
4. The name, position and status of the Respondent (the person whom the complaint is against).
5. The name and position of the witnesses, if any.
6. The NOTARIZED signature of the Complainant.

**Any missing information will invalidate the complaint.*

C. Dismissal of Complaint

The HR Director may administratively dismiss a complaint if the request is incomplete, fails to provide the information required on the forms provided, or in consultation with the Township's attorney, determines that the complaint is superseded by a collective bargaining agreement. The HR Director shall:

- a. Within twenty-one (21) days, notify the Complainant filing such complaint the reasons the complaint is being dismissed, and
- b. Within five (5) business days of dismissal, shall provide a copy of the administratively dismissed complaint to the Chairperson of the Ethics Board.

The Ethics Board, on its own, may administratively dismiss any matter presented to it for reasons such as:

- a. One or more requests or complaints regarding the same subject matter are pending¹, or
- b. The Ethics Board previously addressed the same subject matter, or
- c. The complaint is not related to the Ethics Ordinance.
- d. In the event there is a dismissal, same shall be referred back to the Complainant as provided for in (C)(1)(a) above.

D. Initial Contact

1. When a complaint is delivered to the Township, addressed to the Ethics Board, it will be given to the Human Resource Director or their designee, who will open the complaint, check for completeness of the form and in consultation with the Township's attorney, determine if the complaint is superseded by a collective bargaining agreement. If it is complete and not superseded, the HR Director will copy and record the complaint, assign it a file number, assign a number to the Respondent, redacting the name of the Respondent and their position unless relevant to the Complaint, and forward it by USPS or email to the Ethics Board Members.
2. If an Ethics Board Member receives a written complaint by means other than through the HR Director, the Ethics Board Member shall notify and deliver the complaint to the HR Director, who will then notify the Ethics Board Members in compliance with section 1 above.

¹ The Ethics Board shall have the authority to consolidate numerous complaints regarding the same matter.

3. The number assignment will be based on the date filed. If more than one complaint is filed on one day, then an additional digit will be added at the end. For example, a complaint filed on May 15, 2021 would be 05.15.2021-1. An additional one, if filed that day, would be 05.15.2021-2. And so on.
4. If the complaint concerns an employee covered by a collective bargaining unit, the HR Director shall meet with union officials to discuss the issue and determine if they have any input or information concerning it. Nothing in the Ethics Ordinance can supersede the Collective Bargaining Agreement (“CBA”). (Section 2-150.)
5. Upon receipt of a complaint by the HR Director, a copy of the complaint shall be forwarded to the Respondent at the same time it is sent to the Ethics Board and notify the Supervisor’s office a complaint has been filed, the nature of the complaint and against whom.

An initial meeting of the Ethics Board will be held to evaluate the complaint to verify whether the complaint as written sufficiently alleges violation of prohibited conduct under Section 2-146 of the ordinance, subject to any applicable exceptions.

6. In the event the Ethics Board finds that the complaint is not related to the Ethics Ordinance as provided in Section D.5 above, it shall be deemed invalid and dismissed. The Ethics Board shall notify the HR Director, and the HR Director shall notify the Respondent, Complainant and Supervisor’s office.
7. In the event the Ethics Board determines there is merit to the complaint it shall set the matter for formal hearing as provided in Section G below and notify the HR Director. The HR Director shall serve a copy of the complaint, these procedures, Ethics Ordinance and notice of formal hearing on the Respondent, Complainant and Supervisor’s Office.

E. Respondent Response

1. The Respondent may file a written response with the Ethics Board within fifteen (15) calendar days after being served with the complaint. A copy of the response shall be served on the Complainant by the HR Director at least five (5) days prior to the public hearing.
2. The answer must be in writing, must include a response to each allegation and must contain a notarized signature of the Respondent.

F. Potential Criminal Implications

If the allegations contained in the complaint appear to be criminal in nature (whether complaint is valid or not), or may become criminal charges, the Ethics Board or HR Director shall immediately forward the complaint and all documentation to the Township Attorney for review and/or for transmission to the Macomb County Prosecutors Office, or other appropriate Law enforcement authority. No further action shall be taken by the Ethics Board until resolution of any criminal investigation and/or notified by the Township Attorney to proceed. The Township Board of Trustees shall be made aware of the complaint by the Township Attorney.

G. Ethics Board – Formal Hearing

1. Upon finding the complaint has merit, at the same initial meeting, the Ethics Board shall schedule a formal hearing. The Respondent shall be advised of the meeting and pursuant to Michigan’s Open Meetings Act (“OMA”), MCL 15.268(a), may request in writing that the Ethics Board meet in closed session to hear and discuss the complaints or charges brought against the public officer or employee. A Respondent requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the recess only in open session.
2. The Ethics Board will set a date and time for a formal hearing based on the availability of the Ethics Board and the involved persons.
3. The Ethics Board shall, at least twenty-one (21) days before the hearing date, send notice of such hearing accompanied by a concise statement of the alleged breach of this Ethics Policy to the persons requested to appear before them by certified mail/return receipt requested to addressee only or delivered in person by the HR Director.
4. The hearing will only include speaking to the Complainant and the Respondent, unless witnesses to the occurrence were present and/or have direct knowledge, in which case they may also be interviewed by the Ethics Board. Witnesses may be presented by the Complainant or Respondent. The Ethics Board has no authority to subpoena any witnesses or compel attendance at the hearing.

Any person requested to appear before the Ethics Board may be accompanied by an attorney.

H. Confidentiality

To the extent the law allows, the identity of the Complainant and Respondent shall be kept confidential. The Respondent, however, is entitled to know the Complainant and the details of the complaint itself. For use in public, the number assigned the complaint shall be used when possible

I. OMA and FOIA

The processing of the complaint, and the investigation and hearing will follow the rules of the OMA and the Freedom of Information Act (“FOIA”) where appropriate.

Any person requested to appear before the Board of Ethics may request one extension for a period not to exceed twenty-eight (28) days. Extensions thereafter shall only be granted by the Board of Ethics under extreme circumstances.

J. Ethics Board - Disposition

After conclusion of the formal hearing, or at a subsequent meeting held within thirty (30) calendar days, the Ethics Board shall review all evidence presented and render a recommendation to the Board of Trustees within ten (10) business days if there is a finding that the Ethics Ordinance was violated.

All findings of the Ethics Board hearings shall be in writing and kept as a permanent record by the Township Clerk subject to the OMA and FOIA.

Responsibilities and Compliance

The Township Supervisor will be responsible for the implementation and enforcement of this policy and procedure.

All actions taken under this policy shall comply with applicable laws, regulations, and internal policies and ordinances.

Glossary

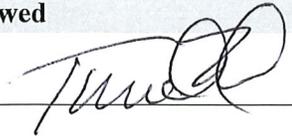
N/A

Appendices

N/A

Macomb Township Ethics Board Violation and Complaint
Policy and Procedure

Attorney Reviewed

Signature 

Date 9-16-24

Board Approval

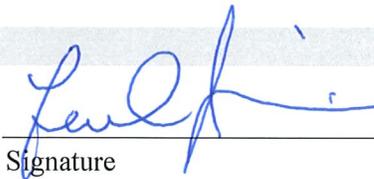
Yes If yes, date of meeting: 9-11-2024

No Administrative only, not subject to Board approval.

Approvals (Elected Official / Department Head)

Frank Viviano
Name (Print)

Supervisor
Title


Signature

9-11-24
Date

Name (Print)

Title

Signature

Date

Name (Print)

Title

Signature

Date

Policy Last Reviewed (Every 2 Years, Minimum)

Name (Print)

Title

Initials

Date
