

LMEA Ethics Complaint Procedure

Justification

As LMEA Board members, we have a responsibility to uphold the highest standards of conduct and professionalism amongst ourselves and our membership. When there are accusations or questions about the conduct of one of our Board members, LMEA members, or an LMEA event, it is incumbent upon us to ensure these matters are investigated and handled appropriately. Properly handling such matters is beneficial and imperative to LMEA at all levels. However, there is currently no clear pathway for members to make complaints nor for the LMEA to properly handle such claims. Therefore, this proposal will outline the formation of the Ethics committee and how such complaints will be handled.

Committee Members

The committee will be composed of the Executive Director (chair), President, President-Elect, Past-President, and associated District Director or Division Chair depending on the complaint presented. These members will serve as voting members of the committee.

Some complaints may require additional members to the Ethics Committee for different perspectives, useful expertise, etc. Should the committee find the need to add such members, the Executive Director is able to add people to the committee as non-voting members.

In the event that a committee member is unable to fulfill their duties due to a conflict of interest, scheduling conflict, poor health, family emergency, or any other reason, the Executive Director will appoint someone to fill their position. In the event that the Executive Director is the one unable to serve, the President will serve in the Committee Chair capacity.

Procedure

The Ethics Committee will meet as complaints are presented. Once the committee meets, they will need to handle complaints with the following steps:

1. Verify whether the complaint warrants investigation (Executive Director, President, Past-President, and President)
2. Notify the subject of the complaint in writing
3. Decide if any Ethics Committee members have a conflict of interest and select replacements as needed
4. Investigate and interview individuals related to the complaint
5. If necessary, confer with experts in relevant fields (legal, political, human resources, etc.)
6. Use results of investigation to write a report with a recommendation of action
7. Present the report to the LMEA Board at regular meeting (emergency meeting can be called should the complaint be severe enough to warrant such action)

8. Report the results of the investigation and any LMEA Board decisions in relation to the matter to the complainant and subject of the complaint in writing

Once the committee decides that an investigation is warranted, a report must be written and presented to the LMEA Board regardless of the outcome. The committee will recommend potential consequences, if any are necessary, to the LMEA Board who will then vote and implement any official actions. Complainants and the subject of the complaint will be notified in writing of the results of the investigation by the Committee Chair in a timely manner.

Complaints

Complaints can be in regard to LMEA Board member conduct, LMEA member conduct, or LMEA event violations.

All complaints will be taken seriously but must be able to be verified. Confidentiality of complainants and witnesses will be maintained unless waived.

Complaints can be filed directly on the LMEA website. Once a complaint is filed, it will immediately be sent to the set Ethics Committee members (Executive Director, President, Past-President, and President-Elect). The online form can exclude or include as many members of the Ethics Committee with which the complainant feels comfortable.

If a complaint is brought to a Division Chair or District Director, that person is compelled to direct the complainant to the online reporting form. All complaints must be put in writing. Once a written report is submitted, the Ethics Committee will meet and follow the outlined procedure.

Possible Penalties

Possible penalties will be presented with the Investigation Report to the LMEA Board of Directors

Level I – A letter of reprimand shall be sent to the member only and a copy kept in a confidential file in the custodial care of the Executive Director. A Level I penalty may include a probationary period of up to three years and may include any reasonable conditions which, if not fulfilled, may result in a more stringent penalty.

Level II – A letter of reprimand shall be sent to the member, campus level administrator, district level superintendent and district level music supervisor. A Level II penalty may include a probationary period of up to three years and may include any reasonable conditions which, if not fulfilled, may result in a more stringent penalty.

Level III – A letter of reprimand shall be sent to the member, campus level administrator, district level superintendent, and district level music supervisor. The Ethics Committee may choose to recommend loss of membership and/or loss of membership privileges, as a penalty for a period not to exceed three years. The LMEA Board of Directors, by constitutional provision, is the only body which has decision-making authority over loss of membership.

Appeal Process

Should a complainant or subject of a complaint be dissatisfied with the results of an ethics investigation, they may appeal the LMEA Board decision if their complaint meets one or more of the following criteria:

1. Has new evidence that challenges the findings of the investigation
2. Has new witness(es) that challenge the findings of the investigation
3. Evidence of a due process violation

Appeals must be filed on the LMEA website within 30 days from the date of being notified of the investigation results.