

DIFFERENCES IN RULE 27 BASED UPON THE RESPONDENT’S ROLE

When the respondent is:	Who determines interim safety measures?	Confidentiality ¹	The investigator determines:	Who determines remedial measures if there is a violation of Rule 27?	Respondent may make an appeal based upon limited circumstances ² to:
A Legislative Member	Conduct Committee after a hearing.	The investigative <i>report</i> goes to Complainant, Respondent, LEO, and Conduct Committee. If a conduct complaint was filed, the investigative <i>file</i> becomes public record after the fact finding investigation concludes, with exceptions. In all other instances, the investigative file is disclosable after determination is made that respondent is subject to remedial measure.	Preliminary findings of fact and if respondent’s conduct constitutes discrimination, harassment, or retaliation. The investigator does not make a finding as to a Rule 27 violation or make final determinations of fact, whether facts constitute rule violations or whether remedial measures are to be imposed.	The Conduct Committee determines what remedial measures to impose, except the committee may only recommend (1) expulsion to the legislative chamber, which must act on the recommendation; or (2) removal from a committee to the presiding officer, who determines whether committee removal is appropriate. ³	There is no appeal right as the constitution vests discipline of members exclusively in each legislative chamber.
A partisan staff	Investigator makes recommendations to their appointing authority.	The investigative <i>report</i> goes to Complainant, Respondent, LEO, Appointing Authority, and Conduct Committee. The investigative <i>file</i> is public record after remedial measures or disciplinary actions are imposed, with exceptions.	Findings of fact, if respondent’s conduct constitutes discrimination, harassment, or retaliation and if Rule 27 has been violated.	The Conduct Committee makes recommendations to their supervising Member within 14 days. The supervising Member must act on recommendations within 21 days. The LEO may notify the Conduct Committee of any disparities between the recommendations and measures actually imposed.	Committee on Conduct for which the respondent is associated (House or Senate).
A nonpartisan staff	Investigator makes recommendations to their appointing authority.	The investigative <i>report</i> goes to Complainant, Respondent, LEO and Appointing Authority. The investigative <i>file</i> is public record after remedial measures or disciplinary actions are imposed, with exceptions.	Findings of fact, if respondent’s conduct constitutes discrimination, harassment, or retaliation and if Rule 27 has been violated.	The Appointing Authority and Human Resources Director determine remedial measures within 14 days.	Joint Committee on Conduct.
A lobbyist, state employee, or member of the public	Investigator makes recommendations to Legislative Administrator and Respondent’s agency director.	The investigative <i>report</i> goes to complainant, respondent, LEO, Legislative Administrator, and Respondent’s agency director. The investigative <i>file</i> is public record after remedial measures or disciplinary actions imposed, with exceptions.	Findings of fact, if respondent’s conduct constitutes discrimination, harassment, or retaliation and if Rule 27 has been violated.	The Legislative Administrator determines remedial measures within 14 days. In the case of a state employee, the employee’s agency director determines remedial measures.	Co-chairpersons of the Legislative Administration Committee. In the case of a state employee, appeal procedures in effect at the employee’s agency apply.

¹ Written conduct complaints are public and disclosed when requested. Conduct Committee Hearings are public and meetings materials are a matter of public record.

² Appeals must be based upon newly discovered evidence not considered by the investigator; a claim of process error; or a claim that the investigator or the person or committee that imposed a remedy acted with bias

³ A committee on conduct may determine to remove a member from service on the committee on conduct. Such a determination also removes the member from the Joint Committee on Conduct.