

FYI 9

THE IEC'S JURISDICTION

The Independent Ethics Commission provides guidance, issues decisions and hears complaints on cases and matters within its jurisdiction as outlined in Article XXIX of the Colorado Constitution. Many legitimate ethics questions that find their way to the IEC cannot be handled by the IEC due to limits on that jurisdiction. So, where should you turn? The answer varies depending on the type of problem or question you have.

Some of the most common complaints dismissed by the IEC have to do with government **employee/manager disputes**. The IEC is required to keep some dismissed complaints confidential, so it cannot publish details that might be helpful to others with similar circumstances. However, government employees can forward these types of employee/employer grievances to human resources departments, the State Personnel Board (for state government employees), ombudsmen or even mediators who serve your particular government agency.

While the IEC feels Article XXIX gives it jurisdiction to hear **campaign finance complaints**, the IEC and the Colorado Secretary of State have an understanding that these types of complaints should first be forwarded to the Secretary of State's office - since other election law violation complaints are typically heard there.

Certain types of **general assembly issues** clearly fall under the IEC's jurisdiction. However, a separate body of laws governs particular legislative conduct - such as libel, or conflict of interest. Depending on the type of behavior in question, the IEC or the legislative leadership may be responsible to hear a particular complaint regarding a state senator or representative.

There are **certain local governing and quasi-government organizations** that do not fall under the IEC's jurisdiction – such as school boards, special recreation districts, or certain home rule cities and counties. Complaints regarding these types of organizations typically fall to the internal discipline structure of that agency to address. Frequently these governmental agencies have pre-established ethics guidelines to assist their constituents and members.

Complaints regarding unethical conduct by **businesses** are not handled by the IEC. These complaints should be referred to the Colorado Attorney General's Office Consumer Hot Line. (800-222-4444) The IEC only has jurisdiction over public employees and officials.

Although the Commission does have jurisdiction over many county and municipal employees, it does not have jurisdiction over **home rule cities and counties** which have its own ethics code. This includes Denver, Colorado Springs and Aurora.

The Commission does not hear complaints regarding **attorneys or judges and employees of the judicial branch**. Complaints of this nature should be referred to the Attorney Regulation Counsel (303.866.6400) or the Commission on Judicial Discipline (303. 866.6434).

Some complaints may involve the serious **criminal** allegations – such as taking a bribe. The IEC may have jurisdiction over allegations or complaints alleging **criminal conduct**. When a complaint alleges criminal conduct it is generally more appropriate to refer it to a law enforcement agency.

The IEC's goal is to advance ethics in government. If you have any questions you are encouraged to contact the IEC informally for guidance with any ethics matter.