

**ADMINISTRATIVE PROCEDURE 3.14**  
**CONTRACTOR CODE OF CONDUCT -**  
**INVESTIGATIONS OF VIOLATIONS**

**(1) INVESTIGATIONS**

(a) Upon receipt of a complaint, the Senior Director of the Office of Accountability and Efficiency (OAE) and the Superintendent (or their designees) shall collaborate to investigate the reported violation in accordance with established procedure.

(b) Within 60 days of receipt of a complaint, a determination shall be made and provided to the complainant in writing.

(c) The determination made shall be based on a reasonable interpretation of the evidence.

**(2) RECOMMENDATION**

(a) In any instance where it has been determined that an allegation of a violation has merit, the Senior Director, OAE and the Superintendent shall determine the appropriate corrective action. The determination may include, but not be limited to, one or more of the following sanctions:

1. Meet with the contractor to obtain an explanation of the violation;
2. Withhold contract payment as authorized by the contract;
3. Direct the prime contractor to remove the offending subcontractor from the project;
4. Impose another reasonable and appropriate action; and/or
5. Suspend the contract(s) or subcontract(s) involving the offending contractor and bring a recommendation of termination of the offending contractor's contract(s) and/or contractor debarment to the Board for approval.

(b) In any instance where a determination has been made to impose a sanction under this section, the contractor shall be notified in writing of the determination.

(c) Notwithstanding any other provision of this section, in any procurement where a violation of the Contractor Code of Conduct has been established prior to the award of a contract, the Senior Director, OAE and the Superintendent, through collaboration and at the sole discretion of the district, shall determine whether to disqualify the offending bidder or proposer from the procurement.

**(3) APPEALS**

(a) A contractor who disagrees with the determination of the Senior Director, Office of Accountability and Efficiency and the Superintendent may appeal to the Milwaukee Board of School Directors (Board) by submitting their appeal in writing to the Board Clerk/Chief Officer, Office of Board Governance within ten business days of receipt of the written determination.

(b) The Board will not take public testimony on the appeal. Therefore, the written appeal should clearly state the reason/s for the appeal which must be based on the evidence. The appeal should clearly state why the appellant feels that the determination of the Senior Director, OAE and the Superintendent was arbitrary and capricious.

(c) The Board Clerk shall present the appeal to the Board for consideration at its next Regular Meeting. However, should an appeal be submitted less than 48 hours before the next Regular meeting, it shall be scheduled for the following month. With respect to the ten business days in which an appeal

may be submitted, a contractor shall not be compelled to submit before the tenth business day for consideration at the next Regular Meeting, though a contractor may choose to do so of their own accord.

(d) The Board shall only reverse or revise a decision of the Senior Director of the Office of Accountability and Efficiency and the Superintendent if the decision can be demonstrated to have been arbitrary and capricious.

(e) The Board's action on matters relative to an appeal shall be final.

#### **(4) CONTRACT TERMINATION AND CONTRACTOR DEBARMENT**

(a) All recommendations for termination of a contractor's contract(s) and/or contractor debarment shall be forwarded to the Board Clerk and must be presented to the Board for its consideration at the next Regular Meeting of the Board. The Board President may call for the recommendation to be considered at a Special meeting of the Board, when necessary.

(b) The Board's determination in all matters relative to debarment of a contractor shall be final and debarment may be for a period of up to one year.