**Transparency Scoring Rubric**

## **Scoring the Agencies**

1. **Is an annual or biennial report produced by the agency publicly available?**
* 3 points possible for each year (2016, 2017, 2018) 9 points total.
	+ 3 points = Yes, the annual report, biennial report, or comparable document, is publicly available on the agency’s website or was easily located by search and contains information about the given year. For example, a biennial report with information on 2016 and 2017 would receive this score for 2016 and 2017, but not 2018. **Enter ‘Yes’ in the scoring cell.**
	+ 1.5 points = No, the annual report, biennial report, or comparable document, produced by the agency was not publicly available on the agency website, however, the report was provided via email after C4I requested the report. **Enter ‘Upon Request’ in the scoring cell.**
	+ 0 points = No, the annual report, biennial report, or comparable document for the ethics agency is not publicly available. **Enter ‘No’ in the scoring cell or ‘No Agency’ if the independent ethics agency in this state was not operational in that year.**

For questions 2 – 5 if the information is publicly available, but C4I has also received additional information or clarification from the agency do not enter ‘upon request’ in the scoring cell. Instead, enter the score that reflects the publicly available information (either ‘Yes or ‘Partial’ see below) with an asterisk i.e. (‘Yes\*’ or ‘Partial\*’). The asterisk does not affect the point values assigned as explained below.

For questions 2 – 5 if there are multiple sources of information used to answer a question score the agency using information with the highest possible score.

1. **Can we determine the number of complaints filed?**
* Note – complaints filed refers to the total number of complaints received by the agency before any determination of validity or probable cause.
* 3 points possible for each year (2016, 2017, 2018) 9 points total.
	+ 3 points = Yes, the number of complaints filed can be determined using publicly available sources such as an annual report which compiles statistics on the total number of complaints in the given period. **Enter ‘Yes’ in the scoring cell.**
	+ 2 points = Yes, the number of complaints can be determined using publicly available information, however, C4I had to compile the information using available sources such as online administrative databases or meeting minutes. **Enter ‘Partial’ in the scoring cell.**
	+ 1 point = Yes, the number of complaints filed can be determined, however, the only way C4I could determine the number of complaints filed was through direct correspondence with the ethics agency. There was not a publicly available source for this information. **Enter ‘Upon Request’ in the scoring cell.**
	+ 0 points = No, the number of complaints filed could not be determined either because there is no information or because the information available does not include the number of complaints filed. **Enter ‘No’ in the scoring cell or ‘No Agency’ if the independent ethics agency in this state was not operational in that year.**
1. **Can we determine the number of complaints that were dismissed?**
* Note – complaints dismissed refers to the total number of complaints dismissed before an investigation occurs.
* 3 points possible for each year (2016, 2017, 2018) 9 points total.
	+ 3 points = Yes, the number of complaints dismissed can be determined using publicly available information such as an annual report which compiles statistics on the total number of complaints dismissed in the given period. **Enter ‘Yes’ in the scoring cell.**
	+ 2 points = Yes, the number of complaints dismissed can be determined using publicly available information, however, C4I had to compile the information using available sources such as online administrative databases or meeting minutes. **Enter ‘Partial’ in the scoring cell.**

* + 1 point = Yes, the number of complaints dismissed can be determined, however, the only way C4I could determine the number of complaints dismissed was through direct correspondence with the ethics agency. There was not a publicly available source for this information. **Enter ‘Upon Request’ in the scoring cell.**
	+ 0 points = No, the number of complaints dismissed could not be determined either because there is no information or because the information available does not include the number of complaints dismissed. **Enter ‘No’ in the scoring cell or ‘No Agency’ if the independent ethics agency in this state was not operational in that year.**
1. **Can we determine the number of cases resolved with a finding of no ethics violation?**
* Note – cases resolved with a finding of no ethics violation refers to complaints dismissed after an investigation or comparable proceeding because the individual was found to not have violated an ethics law or regulation.
* 3 points possible for each year (2016, 2017, 2018) 9 points total.
	+ 3 points = Yes, the number of cases resolved with a finding of no ethics violation can be determined using publicly available information such as an annual report which compiles statistics on the total number of complaints resolved with a finding of no ethics violation in the given period. **Enter ‘Yes’ in the scoring cell.**
	+ 2 points = Yes, the number of cases resolved with a finding of no ethics violation can be determined using publicly available information, however, C4I had to compile the information using available sources such as online administrative databases or meeting minutes. **Enter ‘Partial’ in the scoring cell.**
	+ 1 point = Yes, the number of cases resolved with a finding of no ethics violation can be determined, however, the only way C4I could determine the number of complaints resolved with a finding of no ethics violation was through direct correspondence with the ethics agency. There was not a publicly available source for this information. **Enter ‘Upon Request’ in the scoring cell.**
	+ 0 points = No, the number of cases resolved with a finding of no ethics violation could not be determined either because there is no information or because the information available does not include the number of cases resolved with a finding of no ethics violation. **Enter ‘No’ in the scoring cell or ‘No Agency’ if the independent ethics agency in this state was not operational in that year.**
1. **Can we determine the number of cases resolved with a finding of an ethics violation?**
* Note – the number of cases resolved with a finding of an ethics violation refers to the total number of complaints where a violation was found through a formal hearing, investigation, or other comparable proceeding, or where a settlement or stipulation with sanctions was adopted.
* 3 points possible for each year (2016, 2017, 2018) 9 points total.
	+ 3 points = Yes, the number of cases resolved with a finding of an ethics violation can be determined using publicly available information such as an annual report which compiles statistics on the total number of complaints resolved with a finding of no ethics violation in the given period. **Enter ‘Yes’ in the scoring cell.**
	+ 2 points = Yes, the number of cases resolved with a finding of an ethics violation can be determined using publicly available information, however, C4I had to compile the information using available sources such as online administrative databases**. Enter ‘Partial’ in the scoring cell.**
	+ 1 point = Yes, the number of cases resolved with a finding of an ethics violation can be determined, however, the only way C4I could determine the number of complaints resolved with a finding of no ethics violation was through direct correspondence with the ethics agency. There was not a publicly available source for this information. **Enter ‘Upon Request’ in the scoring cell.**
	+ 0 points = No, the number of cases resolved with a finding of an ethics violation could not be determined either because there is no information or because the information available does not include the number of cases resolved with a finding of no ethics violation. **Enter ‘No’ in the scoring cell or ‘No Agency’ if the independent ethics agency in this state was not operational in that year.**
1. **Are the decisions, including sanctions adopted publicly available?**
* Note – this question asks whether final decisions made by the ethics agency resulting either from a hearing or a settlement of the ethics body regarding violations of the ethics rules are publicly available and published on the agency’s website.
* 3 points possible for each year (2016, 2017, 2018) 9 points total.
	+ 3 points = Yes, the decisions are publicly available and published to the agency website. To the best of our knowledge the agency attempts to publish all decisions or at least all decisions where a violation was found. **Enter ‘Yes’ in the scoring cell.**
	+ 1.5 points = Some decisions are publicly available and published to the agency website, however, we know that the agency may choose not to publish certain decisions at its discretion. **Enter ‘Partial’ in the scoring cell.**
	+ 0 points = No, the decisions are not publicly available. **Enter ‘No’ in the scoring cell or ‘N/A’ if there is no independent ethics agency in this state.**

## **Scoring Agencies in the Excluded Agency Scores Sheet**

All scoring for agencies that are excluded follows the same rules as explained above, however, any cell that is grayed out is not scored and should be left blank. The state reports also clarify what information should not be scored by indicating that the question does not apply.

All final scores for agencies with limited powers are calculated based on the number of questions the agency could feasibly have information on. The total possible raw score, which is agency dependent, and the total score are reported in the ‘Scores of Excluded Agencies’ Sheet. All final scores are further reported as a percentage for clarity. Note: **Individuals scoring do not need to perform any calculations, all calculations are performed automatically in the Transparency Scoring Chart.**

## **Final Calculations**

The Transparency Scoring Chart contains the scores for 2016, 2017, and 2018 respectively as a raw score out of 18. The scores for each individual year are added together to arrive at the total final score out of 54. However, when there was no independent ethics agency for the whole period analyzed (2016, 2017, and 2018) the total score is only out of the years that the agency was operational.[[1]](#footnote-1) This final score, which contains the three years analyzed and averages the scores of all agencies in the state is used to rank the states.

1. There is only one state to which this applies – South Dakota. [↑](#footnote-ref-1)