

## **Town of Simsbury Board of Ethics Complaint and Hearing Procedures**

### **Authority.**

The Simsbury Board of Ethics is authorized by Simsbury Town Ordinance Sections 13-2(B) and 13-2(C)(2), as may be amended, to establish its rules and procedures. These rules and procedures are in addition to those set forth in Connecticut General Statutes Sections 7-148h(a) and 1-82(a) through (c), as may be amended. Should any of the following rules conflict with either the Town Ordinances or the State Statutes, then the Ordinance and/or Statutes will over-ride the conflicting rule. The Board of Ethics further recognizes that there will be occasions when contractual rights of Town Employees, as can be found in the Collective Bargaining Agreements, in which case, the procedures of notice, investigations and findings will be governed by the provisions of the applicable Collective Bargaining Agreement.

### **Complaint Form.**

Simsbury's Board of Ethics has prepared a form to be used by any individual or group seeking to initiate action by the Board regarding a violation of Ethics by a person within Town government. The form is the proper way for an individual or group to present such an issue to the Board. The form can be found either on the Town Web-site, under Board of Ethics, or at the Town Clerk's Office.

The Board's authority is limited by State laws and by Town ordinances. So, it is very important that the form contain a description of the event(s), action(s) or circumstances that form the basis for the complaint with enough detail that the Board can understand the type of complaint that is presented. Dates, times, locations, names of people who were involved or who were present, all are examples of the kind of information that should be included in the complaint form. Whenever possible, complaints should indicate which provision of the Code of Ethics or other rule the author of the complaint believes that someone has violated.

The complaint form must be signed and dated by each person involved in presenting the issues within that complaint to the Board. The Board does not take action on anonymous complaints, and such will be either returned (if possible) or destroyed. If the individuals who signed a complaint decide not to participate in the Board's proceedings on that complaint, the Board will dismiss the complaint.

Once completed, the form should be delivered by mail or in person to the chairman of the Board of Ethics, through the Town Clerk's Office.

### **Confidentiality.**

Allegations of unethical conduct are very serious business. Out of respect for the individuals involved and as required by law, the Board of Ethics observes strict confidentiality in all matters brought before it. It is imperative that everyone involved in the process, including individuals who present complaints to the Board, observe that same level of respect for the confidentiality of the process. The Board will dismiss a complaint if the individuals who signed the complaint do not maintain confidentiality throughout the process.

### **Review, Investigations and Hearings.**

The Board thoroughly reviews every complaint it receives. The immediate follow up on a complaint may include asking questions of the individual(s) who signed the complaint to give the Board a better basis for understanding the circumstances and issues. Frivolous complaints and complaints that do not have enough specific information for the Board to

## **Town of Simsbury Board of Ethics Complaint and Hearing Procedures**

take action can be dismissed at this stage.

The Board may initiate an investigation of the facts and circumstances presented in the complaint. Upon initiating an investigation the Board, whether it is started by the filing of a complaint or whether it is started by the Board, The Chair shall notify the person or persons named in the complaint that it is investigating a complaint involving an alleged ethics violation, and the person or persons have a right to respond to the complaint. Board investigations are confidential.

The investigation would involve two or more members of the Board meeting and asking questions of the individuals who signed the complaint. Members of the Board could also meet with and ask questions of other people who it expects to have knowledge of the facts and circumstances surrounding the alleged ethics violation. The person named in the complaint would be invited to be present during meetings that are part of the investigation.

When the Board has a complaint before it with sufficient detail that it believes a violation of Ethics by a person within Town government has occurred, it will make a finding of probable cause. The Board may dismiss with no further action any complaint that does not contain information stating a violation of something within the Board's authority, with or without conducting an investigation.

Once probable cause has been found and only after that finding, a public hearing will be scheduled. Hearings normally will be announced at least ten days in advance but not more than thirty days after a probable cause finding. The Board can hold a hearing sooner or later than the normal time frame, in its discretion.

### **Records Retention**

The records of the Board of Ethics shall be maintained in a file located at the Town Clerk's Office. The records shall include the Agendas, Minutes, Advisory Opinions, and findings of Probable Cause, and the minutes of Public Hearings, and shall be open to the Public.

Complaints with no finding of Probable Cause and any investigation findings where there is no Probable Cause, shall be kept in a separate file, and shall not be open to the public.

The above Rules Approved by 5-0 Vote of the Simsbury Board of Ethics on 03/11/19