



Newtown Board of Ethics COMPLAINT PROCESSING PROCEDURES

I. Definitions:

- a. Board – Refers to the Newtown Board of Ethics (“Board”).
- b. Complainant – Person or persons filing a complaint.
- c. Complaint Petition – Form used in filing a complaint with the Board, hereinafter referred to as Complaint.
- d. Probable Cause – “Probable Cause” means more than a mere suspicion. There must exist facts and circumstances within the Boards’ knowledge, and of which they have trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred.
- e. Respondent – Person(s) against whom a Complaint has been filed.

II. Filing a Complaint Petition

- a. The Complaint shall be sent to the Chairman, Newtown Board of Ethics, c/o Newtown Town Clerk on the form adopted by the Board. The form is available on the Town of Newtown website and in the Newtown Town Clerk’s office.
- b. The Board Chairman shall make an appropriate number of copies of the Complaint and shall inform, by email, within five (5) business days, the members of the Board and the Respondent of the receipt of a Complaint.

III. Procedure Upon Receipt of Complaint

- a. Upon receipt of a complaint and notification to Respondent, the Board or designated members of the Board shall confidentially investigate the complaint, within 20 business days of being notified by the Board Chair of the complaint being filed.
- b. An investigation of any complaint shall be and remain confidential until either (1), a determination by a majority of the Board that Probable Cause exists that a violation of the Code of Ethics has occurred and that the complaint warrants a public hearing or (2), the Respondent demands a public hearing. In order to maintain confidentiality, the complaint shall receive a number upon its receipt and shall be referred to by said number. If the Board determines Probable Cause exists, the Board shall, within twenty (20) business days of the conclusion of the Probable Cause investigation, schedule a public hearing to determine the merits of the complaint. Once Probable Cause has been determined, the Board shall make public the Complaint and all documents related thereto.
- c. Notwithstanding the above, in the event the Board determines that the circumstances complained about are subject to a collective bargaining agreement,



Newtown Board of Ethics COMPLAINT PROCESSING PROCEDURES

personal employee contract, or other agreement or policy applicable to the Respondent, the Board shall pursue one of the following:

- i. Transmit, within five (5) business days of the conclusion of the Probable Cause investigation, copies of the Complaint and the Board's Probable Cause determination, to the appropriate forum having jurisdiction.
- ii. The Board shall further take one of the following actions:
 1. Retain jurisdiction, but defer any further action until the appropriate forum has rendered a decision on the matter, or;
 2. Relinquish jurisdiction to the appropriate forum and close the file on the Complaint.

IV. Hearing

- a. The following persons in addition to the Respondent may appear at the Board's hearing:
 - i. Complainant
 - ii. Witnesses called by Complainant or Respondent.
 - iii. Respondent may also bring counsel.
- b. The Board Chairman shall swear in all parties, including any witnesses.
- c. The Complainant shall be allowed to present evidence, including documentation and witnesses.
- d. The Respondent (and their counsel, if any) shall have the right to cross-examine all witnesses against him or her, and present evidence and witnesses on his or her behalf.
- e. The Board shall schedule additional hearing sessions if needed.
- f. At the conclusion of the presentation of evidence by both Complainant and Respondent, the Board shall deliberate. Such deliberation may occur immediately at the conclusion of the public hearing, or may be scheduled for another time, provided that deliberation is finished within ten (10) business days after the conclusion of the public hearing. Deliberation may be conducted in executive session unless the Respondent requests that it be conducted in public. Voting shall be conducted in public.
- g. The Board shall, within five (5) business days after the conclusion of its deliberations:
 - i. Publish written Findings of Fact and,
 - ii. Render a decision as to the merits of the Complaint.



Newtown Board of Ethics
COMPLAINT PROCESSING PROCEDURES

1. If the Board determines the Complaint is with merit, the Board shall forward to the Board of Selectmen its Findings of Fact and a recommendation as to the disposition of the Complaint.
2. If the Board determines the Complaint is without merit, the matter will be closed with no further action.

v. Board of Selectmen

- a. The Newtown Board of Selectmen shall consider any Findings of Fact and recommendation of the Board for any Complaints found to constitute a violation of the Code of Ethics.

Final May 2017