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**PROCEDURES
OF THE
ETHICS COMMISSION OF THE
TOWN OF GLASTONBURY, CONNECTICUT**

Introduction

On August 1, 2003, the Town of Glastonbury enacted a Code of Ethics (Code) that created standards for ethical conduct of public officials, officers, employees, and consultants. The Code also created an Ethics Commission (Commission), an appointed body of citizens responsible for administering the Code. The Commission is responsible for (1) advising public officials, officers, employees, and consultants who seek guidance about ethical issues connected with their service to the Town, and (2) evaluating ethical issues and concerns and rendering decisions regarding compliance with the Code. These Procedures are designed to guide public officials, officers, employees, consultants and citizens of the process to be followed if they seek advice or question the conduct of those in or affiliated with Town government.

Part 1 (Advisory Opinions) describes a process for Town officers, officials, employees or consultants, and other parties doing business with the Town who are seeking advice about their own conduct or the conduct of a Town office or function.

Part 2 (Inquiries) describes a process for resolving questions about specific conduct of a current Town officer, official, employee or consultant, or about a Town office or function.

Part 3 (Complaints) describes a formal, public procedure for considering matters that cannot be resolved through the processes outlined in Part 2.

Part 4 (Other Communications) describes the process to be followed by anyone wishing to bring something to the attention of the Commission without going so far as to request an Advisory Opinion or to file an Inquiry.

Part 1: Advisory Opinions

1-1. Initiation

- (a) Any current, former or prospective Town of Glastonbury employee, officer, official, consultant, or other party doing business with the Town may request an Advisory Opinion from the Commission on whether conduct by that person or entity would violate the Code. Any current Town official also may request an Advisory Opinion concerning the activities of any department over which he or she has jurisdiction or board or commission on which he or she serves.
- (b) Individuals initiating a request for an Advisory Opinion must do so by completing a form available through the Glastonbury Town Clerk's Office or through the Town's web site, www.glasct.org. The Form must contain a statement setting forth the advice requested, and the relevant facts known to the individual making the request so that the Commission can reasonably be expected to understand the nature of the request. The individual making the request must sign it.
- (c) Requests must be addressed to the Chair of the Ethics Commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut who will forward the request promptly to the Chair of the Commission.

- (d) The Town Clerk will maintain each original request for an Advisory Opinion in a confidential, indexed file until the request has been screened by the Commission Chair or Vice Chair to determine that it does not contain any allegation of a Code of Ethics violation which would subject it to confidentiality requirements. Upon finding that no such allegation exists, the file will be made available for public inspection. The Commission Chair or Vice Chair will specifically identify to the Town Clerk in writing which files should and should not be made available for public inspection.
- (e) The date a request is filed in the clerk's office will mark the official date of receipt for purposes of deadlines for decisions.

1-2. Proceedings

- (a) The Chair will present the request to the Commission at its next regular meeting for which no agenda has been filed yet with the Town Clerk.
- (b) The Commission will meet to review the request. At that time, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two Commission members to make a recommendation for consideration by the full Commission, (3) hold an informal hearing to receive comments from the individual who requested the Opinion and/or from the public, (4) investigate the relevant facts and issues in order to render the Opinion, and/or treat the matter as an Inquiry under Part 2.

1-3. Decisions

- (a) Advisory Opinions will be made by a majority of Commission members.

- (b) The Commission will issue an Advisory Opinion as expeditiously as possible but in any event within 90 days from the day it first considers the request. The Commission may extend the time for decision for up to an additional 30 days.
- (c) All Advisory Opinions must be in writing and communicated to the individual making the request.
- (d) The Commission may decline to render an Advisory Opinion if (1) the subject matter is not covered by the Code, (2) the known facts are incomplete or incorrect and the omissions or misstatements are material to the Opinion requested, or (3) other reasonable grounds exist for not taking action. If the Commission decides to so act, it shall state its reasons.

1-4. Confidentiality

- (a) Requests for Advisory Opinion will be reviewed in open session unless, upon review by the chair or vice chair, it is determined that the matter would be more appropriately treated as an Inquiry under Section 2 of these Procedures and pursuant to Section 1-82a of the Connecticut General Statutes.
- (b) Requests for Advisory Opinions that are treated as Inquiries under 1-4 (a) will be reviewed in closed session, except upon the request of the person seeking the Opinion.
- (c) Advisory Opinions for matters not treated as Inquiries under 1-4 (a) will be available for public inspection through the Town Clerk's Office.

Part 2: Inquiries

2-1. Initiation

- (a) Any member of the public may submit an Inquiry asking whether a current officer, official, or employee has failed to comply with the Code of Ethics or asking about the

appropriateness of conduct of a particular government office or function.

- (b) The Commission may itself initiate an Inquiry regarding a possible violation of the Code.
- (c) Individuals initiating an Inquiry must do so by completing a form, available through the Glastonbury Town Clerk's office or through the Town's web site at www.glasct.org. The initiating individual must sign the form under penalty of false statement. The form must contain a description of the relevant facts in sufficient detail so that the Commission and any person who is the subject of the Inquiry can reasonably be expected to understand the nature of the allegations.
- (d) Inquiries must be addressed to the Chair of the Ethics Commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut who will forward the Communication promptly to the Chair of the Commission.
- (e) The Town Clerk will maintain all original Inquiries in a confidential, indexed file.
- (f) The date an Inquiry is received by the Chair of the Commission will mark the official date of receipt for purposes of deadlines for decisions.

2-2. Notice

- (a) Within 5 business days of the Chair's receipt of the Inquiry or initiation of an independent Inquiry, the Commission will notify the individual who is the subject matter of the Inquiry by registered or certified mail and will provide the person with a copy of the completed form, the Code, and these Procedures. The Commission also will confirm in writing to the person who initiates an Inquiry that it was received by the Commission.

- (b) The person who is the subject of any Inquiry (Subject) may file a written response with the Chair within 10 business days after receiving the notice.

2-3. Proceedings

- (a) The Chair will present the Inquiry and any response received from the Subject to the Commission at its next regular meeting held after receipt of the Inquiry, the mailing of notice to the Subject, and the passage of at least 10 additional business days. However, if the agenda for such meeting has been posted already with the Town Clerk, then the Chair will present the Inquiry and any response to the Commission at its next following regular meeting. The Commission also may consider the Inquiry at a special meeting called for such purpose after the passage of such 10-day period.

- (b) The Commission will meet one or more times in executive session from which the public is excluded to review the Inquiry and to determine whether or not there exists probable cause that the Code has been violated. In those sessions, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two Commission members to make a recommendation for consideration by the full Commission, (3) proceed to investigate the relevant facts and issues in order to render a decision,

(4) decline to review the matter further, pursuant to Section 2-3(d) of these Procedures, (5) endeavor to resolve the matter by convening a confidential meeting that includes the individual who is the subject of the Inquiry and others relevant to the issue, (6) make a finding of probable cause and treat the matter as a Complaint under Part 3, and/or (7) make a finding of no probable cause. If the Commission proceeds under steps (1), (2), (3), or (5) above, it will establish a schedule of meetings for consideration of the

Inquiry, subject to the provisions of section 2-4(a).

- (c) A finding of probable cause means that based on a review of the available information the Commission determines that reasonable grounds exist to believe that a violation of the Code occurred.
- (d) The Commission may decline to continue to review a matter on any of these grounds:
 - a. The alleged facts do not evidence the existence of probable cause of a violation of the Code.
 - b. The person who is the subject of the Inquiry is a minor.
 - c. The person who is the subject of the Inquiry is no longer an official, officer or employee of the Town or a consultant for the Town.
 - d. The matter occurred more than 3 years earlier or before the enactment of the Code by the Town of Glastonbury.
 - e. The matter is judged to be frivolous, groundless, or brought for the purpose of harassment.
 - f. The person who is the subject of the matter has already taken corrective action and the Commission believes the action taken was appropriate in the circumstances and the matter should not be pursued.
 - g. The Commission has already taken action on the matter.
 - h. There are other reasonable grounds for not taking action.

2-4. Decisions

- (a) As expeditiously as possible but in any event within 120 days after the meeting at which the Commission first considered the Inquiry and any response received from the Subject, the Commission will decide that (1) the Inquiry requires no further action because it was resolved or did not require further review under section 2-3(d), or (2) probable cause exists that a violation of the Code occurred, in which case the Inquiry will be treated as a Complaint under Part 3. The

Commission may extend the time for decision if circumstances justify a delay.

- (b) No finding of the existence of probable cause may be made except upon the vote of at least four (4) members of the Commission.
- (c) Within 3 business days after making a decision under this Part 2, the Commission will inform in writing any person who filed an Inquiry and the person who is the subject of the investigation of its decision and of its reasons for the decision.

2-5. Confidentiality

If the Commission does not make a finding of probable cause, then the Inquiry and the record of the Commission's investigation shall remain confidential, except upon the request of the person who was the subject of the Inquiry.

Part 3: Complaints

3-1. Initiation

- (a) After conducting an investigation of any Inquiry under Part 2, if the Commission finds probable cause exists, then it will make public its findings and its record of the investigation

not later than 5 business days after its decision, except it may postpone public release of the record for up to 14 days for the purpose of resolving the matter with the person who is the subject of the Inquiry. If no resolution is reached, the Commission will proceed in the manner described in this Part

- (b) The findings and record of the investigation shall include:
 - (1) the Inquiry;
 - (2) evidence received or considered;

(3) a reference to the particular section of the code involved; and (4) a short and plain statement of the Commission's reason for finding probable cause.

- (c) Any member of the public who desires to file a Complaint against a current officer, official, or employee for allegedly violating the Code must first pursue the matter as an Inquiry under Part 2.

3-2. Public Hearings

If the Commission decides, after its investigation under Part 2, that probable cause of a violation of the Code exists, it will conduct a public hearing to determine whether or not a violation occurred. At the hearing, the person who is the subject of the hearing will have the right to be represented by legal counsel, to present evidence and witnesses and compel attendance of witnesses and the production of books, documents, records and papers, and to examine and cross-examine witnesses and inspect and copy relevant and material records, papers and documents not in such person's possession. Not later than 10 days before the start of the hearing, the Commission will provide the person with a list of its intended witnesses. The Commission will make a record of the proceedings.

3-3. Powers and Conduct of Hearings

- (a) For the hearing, the Commission will have the power to administer oaths, question witnesses, consider oral and

documentary evidence, subpoena witnesses under procedural rules adopted by the Commission as regulations in accordance with the provisions of Chapter 54 of the Connecticut General Statutes (Uniform Administrative Procedure Act) to compel attendance before the Commission, and require the production for examination by the Commission of any books and papers which it deems relevant in any matter under investigation or in question.

- (b) The Commission may require witnesses to testify under oath administered by the presiding officer or any other duly qualified person. The hearings shall be recorded and/or transcribed.
- (c) Hearings are not governed by the legal rules of evidence and any information relevant to the matter may be considered. The Commission will respect the rules of privilege recognized by the law. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties and the Commission will be given an opportunity to compare the copy with the original.

3-4. Decisions

- (a) Decisions by the Commission that a person is in violation of the Code must result from the concurring vote of 4 of its members.
- (b) The Commission must render its decision within 60 days of the closing of the hearing.
- (c) Such finding and memorandum will be deemed to be the final decision of the Commission for the purposes of Chapter 54 of the Connecticut General Statutes. The person who was the subject of the hearing may appeal to the Superior Court in accordance with the provisions of Section 4-183 of the Connecticut General Statutes.
- (d) If the Commission finds that the Code was violated, it will provide the party who was the subject of the hearing and the Glastonbury Town Council with a copy of its findings and memorandum within 10 days after its decision. It will also advise the party of the right of appeal under Section 4-183 of the Connecticut General Statutes. At the same time, it will provide a copy of its findings and memorandum to the Glastonbury Town Manager, if such party is an employee,

consultant or official appointed or under the jurisdiction of the Town Manager, or the Superintendent of Schools and the Board of Education of the Town of Glastonbury if such person is an employee, consultant or official appointed or under the jurisdiction of the Superintendent or such Board.

Part 4: Other Communications; Miscellaneous

4-1. Other Communications.

The Commission welcomes Communications from the public even if they do not fall within the categories of an Advisory Opinion, Inquiry, or Complaint. These should be in writing and should include the name and address of the individual making the Communication. The Communication should be addressed to the Chair of the Ethics Commission, c/o the Glastonbury Town Clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut. Promptly after its receipt by the Town Clerk, the Clerk will forward a copy of the Communication to the Chair of the Commission and will maintain the original in a confidential, indexed file until the Chair or Vice Chair determines whether the request should be treated as confidential. Requests that are not treated as confidential will be available for public inspection. Communications will be handled on a case-by-case basis and at the discretion of the Commission.

4.2. Miscellaneous.

- (a) As used in these Procedures, the term "business day" means a day other than a Saturday, Sunday or other day on which the office of the Glastonbury Town Clerk is closed to the public for business.
- (b) Any proceeding undertaken by the Commission to render an Advisory Opinion or investigate a possible violation of the Code will be governed by the Code and these Procedures. If there is a conflict between these Procedures and the Code, the Code will govern.
- (c) The Commission may publish decisions in whole or in part if it decides that publication would serve the public interest and

publication can be made in such a way as to protect the personal identity and privacy of persons who were the subject of any evaluation of a possible violation of the Code of Ethics.

NOTICE:

These Procedures are subject to change. They will apply to any Commission proceeding or to any request or Inquiry received by the Commission in the form in effect at that time. Those wishing to initiate action are asked to refer to the Town of Glastonbury web site at www.glasct.org to obtain an up-to-date form for this purpose.