

**Town of Pittsfield Select Board**  
**Procedure Upon Receipt of a Complaint**  
**July 24, 2019**

*When a written complaint is made to the Select Board alleging a violation of the Conflict of Interest and Ethical Conduct Policy, the Select Board shall follow these procedures in carrying out its duties under the Policy Regarding Conflicts of Interest and Ethical Conduct for the Town of Pittsfield.*

**General Protocol**

1. Complaints will be reviewed by the Select Board in an Executive Session, pursuant to 1 V.S.A § 313, within one month of receipt.
2. The Select Board may undertake an investigation to obtain additional information on matters before it.
3. Discussions held in an Executive Session shall remain confidential and will not be disclosed, provided that the Select Board shall explain the reasons for its final decision during the open meeting.
4. Select Board members shall recuse themselves from participation in discussions, deliberation, or voting in any matter in which they have an actual or potential conflict of interest, or where there may be the appearance of a conflict of interest.
5. All actions, decisions, recommendations and dispositions of the Select Board shall be by majority vote.
6. Except to the extent such records must be disclosed under 1 V.S.A. § 317, the complaint records shall remain confidential.

The procedure for Receipt and Investigation of Complaints shall be as follows:

**A. Receipt of Complaints**

A written complaint should be signed, include the individual complainant's address, and set forth reasonable detail and any documentation of the facts alleged to constitute a violation of the Conflict of Interest and Ethical Conduct Policy.

After the complaint has been filed and prior to any investigation undertaken of a complaint before the Select Board, no member of the Select Board or any of the Select Board's authorized agents may communicate directly or indirectly with any party or other persons about any issue of fact or law regarding the complaint, except that:

1. The members of the Select Board may discuss the complaint among themselves;
2. The members of the Select Board may interview witness and experts in its investigation; and
3. The members of the Select Board may obtain legal advice from the Town Counsel or special counsel, as appropriate.

If any person attempts to contact or influence a member of the Select Board regarding a pending complaint, the Select Board member shall report the substance of the communication to the Select Board at or before its next regular meeting.

**B. Initial Review of Complaint**

The Select Board shall conduct an initial Complaint Review resulting in one of the following actions:

1. Incomplete Complaint – Complaint is returned for more information or clarification;
2. Dismiss – In the event the Select Board finds no substance to the complaint, it will be dismissed.
3. Accept Complaint for Investigation – The Select Board proceeds to Complaint Review.

### *C. Informal Complaint Review*

1. The Select Board shall conduct an Informal Complaint Review and Determine whether it warrants further investigation.
2. If the complaint is determined in the informal review to be within the jurisdiction of the Select Board and provides a factual basis for investigation, the complainant will be notified of the receipt of the complaint and the Select Board will advise complainant as to whether the complaint does/does not warrant investigation.
3. If the complaint is accepted, the Select Board shall then proceed to the Formal Complaint Review Process.

### *D. Formal Complaint Review*

1. The Select Board shall conduct an investigation of the complaint against the public officer or employee.
2. The public officer or employee who is the subject of the complaint shall have the right to be represented by counsel at any requested appearance before the Select Board.
3. The public officer or employee who is the subject of the complaint shall be afforded the opportunity to present evidence to the Select Board. In the absence of evidence, the Select Board may conduct its investigation and reach its conclusions based on the evidence available.

### *E. Recommendation*

At the conclusion of its investigation, the Select Board shall create a record of its findings and recommendations. The record shall include written documentation of the complaint, action taken by the Select Board, a finding of facts and any statements of the public officer or employee involved, as well as other witnesses as necessary. The recommendations may contain the following dispositions and/or conclusions:

1. Unfounded – The alleged act in the complaint did not occur.
2. Exonerated – The act occurred but was justified, lawful and proper.
3. Not Sustained – The investigation produced information which was insufficient to prove or disprove the allegations.
4. Sustained – All or part of the allegations occurred. (A finding of "Sustained" must be based on the existence of substantial fact in support of reasonable proof)

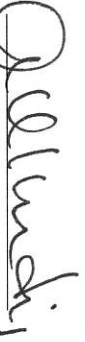
The Select Board shall decide as to the disposition, based on a review of the investigation, by a majority vote. Pursuant to 1 V.S.A. § 313 (a), all final votes must be taken in open session and recorded in the minutes of the meeting.

Complainants who are dissatisfied with the decision of the Select Board may file a complaint in writing to the Select Board.

If necessary, the Select Board will follow the Enforcement guidelines of the Adopted Conflict of Interest and Ethical Conduct Policy after these procedures have been concluded.

**I have read the Procedures for carrying out Select Board duties in addressing written complaints under the policy regarding Conflicts of Interest and Ethical Conduct.**

Signatures:



DATE:

March 16, 2023

