

TOWN OF TOLLAND
ETHICS COMMISSION

GUIDE TO FILING AN ETHICS COMPLAINT

What Constitutes a Formal Complaint?

Enforcement of the Tolland Code of Ethics is initiated by a complaint, filed by any member of the public or the Ethics Commission. The person filing the complaint is referred to as the complainant.

A complaint from a member of the public must comply with certain requirements. It must:

- ✓ Be filed on the proper Town of Tolland Code of Ethics Complaint Form available on the Town's website: www.tollandct.gov
- ✓ Contain an original signature (signed under penalty of false statement)
- ✓ Be delivered or mailed, in a sealed envelope marked confidential, to the

Town Manager's Office
Attention: Ethics Commission
21 Tolland Green
Tolland, CT 06084

- ✓ Clearly set forth facts that, if true, would constitute a violation of the Tolland Code of Ethics; and,
- ✓ Identify a respondent (the person who is the subject of the complaint) with enough particularity that the complaint may be served on him or her.

In filling out the complaint form, it is best to complete the requested information with as much detail as possible, so that the Ethics Commission may properly investigate. In other words, your complaint form should:

- ✓ If possible, cite to the specific provision of the Tolland Code of Ethics that is believed to have been violated;
- ✓ Clearly identify any known witness to the alleged violation or other persons with knowledge of the alleged violation;
- ✓ Include any documentation supporting the allegations, if available (listed and attached as "Exhibit 1," "Exhibit 2," and so on); and
- ✓ Identify the source of any statements made in the complaint that are not based on personal knowledge, when possible.

Complainants will be kept informed of the status of the complaint as stated in the Town of Tolland Ethics Commission Investigative Procedures; available on the Town's website: www.tollandct.gov

Jurisdiction and Action:

All Town officials and employees are covered by the Tolland Code of Ethics which sets standards and provides guidance to Town employees and officials with respect to ethical matters.

Pursuant to § 7-148h of the Connecticut General Statutes, there shall be an Ethics Commission for the Town of Tolland which shall investigate allegations of conduct proscribed by this chapter and the Tolland Code of Ethics, corrupting influence or illegal activities levied against any official or employee of the Town and shall have the power to do so afforded by said statute.

If the Ethics Commission makes a finding of unethical conduct by:

- A person holding a position appointed by the Town Manager, it shall make a public report thereon to the Town Manager.
- A person or employee holding a position appointed by the Superintendent of Schools, it shall make a public report to the Superintendent of Schools.
- A person holding a position appointed by the Town Council, it shall make a public report thereon to the Town Council.
- A person holding a position appointed by the Board of Education, it shall make a public report thereon to the Board of Education.
- An elected official, it shall make a public report thereon to the Town Council or the Board of Education, as the case may be.
- A paid consultant or a business performing work for the Town, said Commission shall have authority to disbar such paid consultant or contractor from doing business with the Town for a period of up to 10 years.

Nothing in the foregoing shall be construed to deter prosecution and/or recovery of damages and costs under the laws of the State of Connecticut.

Any person found responsible for an ethical violation shall have the right to an appeal as outlined in the Connecticut General Statutes.

Confidentiality

To protect and preserve the reputations of all parties and to ensure the integrity of the investigation, confidentiality is an essential component of an ethics investigation until the investigation reaches the Public Hearing. As specified by provisions of the Connecticut General Statutes, Section 1-82a, no information about the complaint may be disclosed by anyone involved with the complaint or the investigation including the complainant. The Commission is also required to uphold confidentiality throughout the initial stages of an investigation.

Any complaint filed is confidential except:

- After Ethics Commission makes a finding of probable cause (a determination that there is probable cause to believe that a public official or Town employee has violated a provision of the Tolland Code of Ethics); or

- Upon request of the respondent. The Respondent is the only party who may waive confidentiality by making an irrevocable and unconditional waiver of confidentiality to the Commission.

Likewise, any investigation conducted prior to finding of probable cause remains confidential except upon the request of the respondent. This means that the allegations in the complaint and any information supplied to the Ethics Commission during the investigation may not be disclosed to any third party.

While the investigation is still confidential, no one – the complainant, respondent, witnesses, designated party, Ethics Commission members – may disclose that a complaint has been filed, or any information related to the investigation of the complaint. Violation of the confidentiality statutes may be prosecuted as a violation of the Code of Ethics.

Note: While all parties must maintain confidentiality, the Ethics Commission is permitted by law to report, at any time, the possible commission of a crime to the Resident State Troopers Office.