

Colchester Ethics Commission Investigation Policy

Town Charter Chapter 53 describes the Code of Ethics for the Town of Colchester. Sections 53-5, 53-6 and 53-7 describe the procedure for receiving a complaint, investigation procedures, time limits, notices, confidentiality and more.

Alleging a violation of the of the Ethics Code is a serious matter and gets addressed in a serious manner.

Complaints must be in writing and must be signed under penalty of false statement before a legal witness. See Chapter 53-5 for acceptable legal witnesses (i.e. a Notary public). If complainant intentionally makes a false statement, he/she shall be subject to fines and penalties of up to one year imprisonment.

Upon receipt of a formal complaint (per 53-5), the Ethics Commission performs an initial assessment to determine if sufficient facts have been presented to constitute a violation of the Code of Ethics. If there are not sufficient facts, the complaint will be dismissed.

If the Commission determines that sufficient facts have been presented, a formal hearing process is initiated. The hearing process has two phases. In the first phase, the Commission makes a confidential determination as to whether there is probable cause to believe the facts as alleged in the complaint. If the Commission determines that there is not probable cause that the violation occurred, the complaint and all records remain confidential.

If the Commission makes a determination of probable cause, it enters the second phase of the hearing process. The second phase is a public hearing to determine whether a violation has occurred.

The public hearing process is a serious matter. The Commission has the power to hold hearings, administer oaths, subpoena witnesses and demand information that the Commission deems relevant to the complaint. The respondent has the right to appear, may be represented by legal counsel and may examine and cross-examine witnesses. All witnesses are sworn.

The Commission may find a violation only if at least four members concur.

There are strict rules governing disclosure of a formal complaint. These are described in Sections 53-6 and 53-7.