

## THE COMPLAINT PROCESS

### Handling Inquiries About Filing a Complaint

Enforcement of the Colchester Code of Ethics is initiated by a complaint filed by any member of the public.

A complaint from a member of the public must comply with certain requirements. The complaint form and a Citizen's Guide to the Ethics Complaint Process can be found on the Town's website. **Please direct citizens to those forms so that they may fully understand these requirements.**

### Receiving a Complaint

- ✓ Upon receipt, complaints must be transferred to the Ethics Commission *as soon as possible* as our Code of Ethics requires the Commission to act within 10 days of receipt of said complaint. See § 53-6.
- ✓ Therefore, please notify the Commission within 1 business day of receipt of a complaint and/or mail addressed to the Commission. In order to maintain confidentiality, simply notify the Commission that a complaint or mail has been received.
  - Commission members can be notified via email, phone or in person. Commission contact information is attached hereto.
  - Please do not hesitate to contact to a Commission member if you are unsure how to proceed.
- ✓ Due to the importance and legal necessity of keeping Ethics complaints CONFIDENTIAL, it is imperative that all mail addressed to the Commission remain CONFIDENTIAL (and marked as such). See "Confidentiality" below. *Sections 53-6, 53-7.* Thus, any envelop or complaint received should remain sealed (or placed in a sealed envelop and marked *CONFIDENTIAL*) and kept in a secure location until a member of the Commission can retrieve it.

**Confidentiality is Key!**

Any complaint alleging a violation of the Code of Ethics MUST remain **confidential** except:

- After the Commission makes a finding of *probable cause* (a determination by the Commission that there is probable cause to believe that the person(s) against whom the complaint is made (the respondent) has violated a provision of the Code
- Upon written request of the respondent provided to the Commission; or
- Upon an agreed resolution of the matter between the Commission and the respondent (called a Consent Agreement).

In addition, any information discovered during the investigation conducted prior to the finding of probable cause remains confidential except upon the written request of the respondent. This means that the allegations in the complaint and any information supplied to or received from the Commission during the investigation will not be disclosed to any third party.

**Note:** *During the “confidentiality period”, no one may disclose that a complaint has been filed nor reveal any information related to the investigation of the complaint.* This includes but is not limited town staff, volunteers, officials, and Commission members. It also includes the complainant. ***Only the respondent has the right to waive confidentiality and then, only if he/she does so in writing to the Commission.*** See §§ 53-6, 53-7.

**It is important to be aware that failure to maintain this confidentiality may be punishable by sanctions including, but not limited to, a civil penalty.** See § 53-8.