

City of Norwich



Citizen's Guide to the Norwich Code of Ethics and Ethics Commission

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INTRODUCTION

This guide has been developed by the Ethics Commission to assist citizens who wish to file an ethics complaint in Norwich, as well as to inform City of Norwich officers and employees how to obtain an Ethics Advisory Opinion.

The intent of this pamphlet is to offer an more accessible guide to file a complaint or to request an advisory opinion and to explain the terminology and processes used by the Ethics Commission. Please refer to the Norwich Code of Ethics, the Ethics Commission Rules and Procedures, the Ethics Complaint form, and the Advisory Opinion Request form, all available from the City Clerk's Office or the Norwich website, for additional information.

FREQUENTLY ASKED QUESTIONS ABOUT ETHICS COMPLAINTS

Who may file a complaint? Any person may file a complaint with the Norwich Ethics Commission (the "Commission"), alleging a violation of the Norwich Code of Ethics (see complaint form). The person filing the complaint is referred to as the *Complainant*.

Who is subject to an ethics violation complaint? The subject of a complaint (person against whom the complaint is made) can only be an officer, official or employee, paid or unpaid, elected or appointed, of the City of Norwich. The subject of the complaint is referred to as the *Respondent*.

When must a complaint be filed? Complaints must be filed within eighteen (18) months of the alleged violation. In those cases where the respondent has fraudulently concealed the existence of the action, complaints must be filed within eighteen (18) months from when the complainant first had actual or constructive notice of the violation.

What activities are prohibited? Prohibited activities are defined in the Norwich Code of Ethics.

Is the Norwich Ethics Commission the appropriate agency to handle your complaint? If your complaint is directly related to one or more of the prohibited activities stated in the Norwich Code of Ethics and the respondent is an official, employee or officer of the City of Norwich, your complaint falls under the jurisdiction of the Commission.

How does a person file a complaint?

1. Obtain an Ethics Complaint Form from the Norwich City Clerk's Office or from the Norwich website at www.norwichct.org. If a complaint is being filed against more than one individual, a separate form is required for each respondent – each complaint form can name only one respondent.
2. Complete the complaint form and attached relevant documentation as described on the form.
Mail form to:

Chairman of the Ethics Commission

c/o Norwich City Clerk

100 Broadway Norwich, CT 06360

Complainants will be kept informed of the status of the complaint.

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. 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.

The Respondent is the only party who may waive confidentiality by making an irrevocable (cannot be withdrawn) and unequivocal (unconditional) waiver of confidentiality to the Commission.

THE INVESTIGATIVE PROCESS

Upon receiving a complaint of an alleged violation of the Code of Ethics, the Commission shall, within five (5) business days, notify in writing the person(s) about whom said complaint(s) has/have been filed, advising the concerned person(s) of the specific nature of the complaint made and being investigated by the Commission and enclosing therewith a copy of the complaint. The Commission will also notify the complainant in writing that the complaint was received by the Commission. Both the complainant and respondent will be informed when the Commission will meet to review the complaint.

The Chairman will present the complaint to the Commission at a meeting scheduled generally at least fifteen (15) days after the mailing of notification to the respondent and complainant. The Commission will meet at least once in Executive Session to review the complaint to decide whether or not probable cause exists that a violation of the Code of Ethics has occurred.

Following the executive session, the Commission may decide to: (1) seek additional information; (2) create a subcommittee of at least three (3) members of the Commission to investigate the relevant facts and issues in order to make a recommendation for consideration by the entire Commission; (3) decline to review the matter further pursuant to these procedures; (4) make a finding of probable cause; (5) make a finding of no probable cause.

The Commission may summon witnesses and obtain information that will aid in the investigation. These proceedings remain confidential unless the Respondent makes an irrevocable and unequivocal waiver of confidentiality to the Commission. During this investigation, the Respondent has the right:

- to appear
- to be heard
- to offer information or evidence that may eliminate the likelihood of probable cause that a violation of the Ethics Code occurred
- to be represented by legal counsel (at his/her expense)
- to examine and cross-examine witnesses.

If there is no finding of probable cause the case ends and the complaint remains confidential unless the Respondent requests that the complaint be made public.

The complaint will advance to a Public Hearing if three (3) Commission members determine there is

probable cause to believe that an ethics violation occurred. The Commission will make public its findings and its record of the investigation no later than five (5) business days after the termination of its investigation and its decision regarding probable cause. After this, the entire record of the investigation will be made public. The Commission will notify both the Complainant and Respondent of its findings and conduct a public hearing within sixty (60) days to determine whether or not a violation occurred. At the hearing, the complainant and the respondent will have the right to be represented by legal counsel at their own expense.

PUBLIC HEARING

The Commission shall give notice of at least fourteen (14) days before the date of the hearing. The hearing(s) may be continued from time to time at the discretion of the Commission. The Commission may consider hearsay evidence and has broad latitude in applying the Rules of Evidence. Any information it considers relevant to the matter may be considered. The Commission records the proceedings, which are open to the public, and has the power to require attendance of witnesses, production of books, documents, records and papers relevant to the complaint.

A vote of three (3) members of the Commission is required to conclude that the Ethics Code has been violated.

The Commission will publish its finding and a memorandum of its reasons within thirty (30) business days after the conclusion of the Public Hearing. When there has been a finding of a violation the Commission shall report the finding and a recommendation for action to the City Council. The Commission shall also report to such other officer or board of the City with the power granted by the Charter or state statute to remove the officer, official, or employee found to have committed the violation, when such power of removal exists. The Commission shall also publish notice of its findings of decision on the City website and with the City Clerk.

Such findings and memoranda of decision shall constitute the Commission's final decision.

ADVISORY OPINIONS

The City of Norwich Ethics Commission is authorized to issue written advisory opinions to public officials and employees on whether their proposed or ongoing conduct violates the Code of Ethics of the City of Norwich. Officials and employees acting in good faith reliance upon an applicable advisory opinion issued by the Commission shall have an absolute defense in any matter brought under the provisions of the Code of Ethics, even if they did not request the opinion themselves.

Who May Ask for an Opinion? Any officer, official or employee, paid or unpaid, elected or appointed, of the City of Norwich may request an opinion as to the application of any provision of this article to a particular situation or as to an interpretation of any such provision.

How to Request an Opinion: Individuals initiating a request for an advisory opinion must do so by completing a form available through the Norwich City Clerk's office or through the City's website: www.norwichct.org. The form must contain a statement clearly stating the advice requested and all the relevant facts known to the individual making the request so the Commission can reasonably understand the nature of the request. The individual making the request must sign and date the request.

Chairman of the Ethics Commission

c/o Norwich City Clerk

100 Broadway Norwich, CT 06360

The City Clerk will forward the request for Advisory Opinion to the Chairman of the Commission who will then present it to the Ethics Commission for consideration.

ADVISORY OPINION PROCESS

Requests for advisory opinions will be reviewed in open session unless it is determined that the matter would be more appropriately treated as a complaint under the Commission's Rules and Procedures Manual.

The Commission will consider the request as promptly as possible and the individual submitting the advisory opinion request will be informed when the request will be presented to the Ethics Commission for consideration and review. When the Commission meets to review the request, 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; (4) investigate the relevant facts and issues in order to render the opinion or (5) treat the matter as a Complaint. At this meeting, the individual shall be provided with an opportunity to present his or her interpretation of the facts and applicable provisions of the Code of Ethics. If the Commission decides to request additional information then it shall meet to decide its future course of action within fifteen (15) days of the receipt of such information.

The Commission may decline to render an advisory opinion if: (1) the subject matter is not covered by the Code of Ethics; (2) the known facts are incomplete or incorrect and the omissions or misstatements are material to the opinion requested; (3) other reasonable grounds exist for not taking action. If the Commission decides to decline an opinion, it shall state its reasons in writing. In the event the Commission fails to achieve a majority vote for any proposal, such failure shall be construed as an affirmative vote to decline ruling on the matter.

Final advisory opinions will be rendered by the affirmative vote of three (3) sitting members of the Commission as expeditiously as possible. All advisory opinions will be in writing and sent to the individual making the request and filed with the City Clerk. At that which time they will be made available to the public.

Advisory opinions rendered by the Commission, until amended or revoked, shall be binding on the Commission and shall be deemed to be final decisions of the Commission.