

For the Website:

Process for Investigation and Enforcement of Ethical Violations

State law ([24 V.S.A. § 1997](#)) requires municipalities to enact procedures to investigate complaints that allege a municipal officer has violated the [Municipal Code of Ethics](#) and to enforce against substantiated complaints, including developing methods of enforcement and available remedies. Below is the Town of Fairfield's Process for Investigation and Enforcement of Ethical Violations and Ethics Complaint Form and the contact information for the Town's Ethics liaison.

Town of Fairfield's Ethics Liaison

Cathy Ainsworth
Town Administrator

To email: Send townadmin@fairfieldvermont.us with "Ethics Complaint" in the subject line.

To mail, address to:
Town of Fairfield
Attn: Town Administrator
PO Box 5
Fairfield, VT 05455

To call for assistance: 802-827-3261 ext. 4

THE TOWN OF FAIRFIELD

PROCESS FOR INVESTIGATION AND ENFORCEMENT OF ETHICAL VIOLATIONS

Purpose: State law ([24 V.S.A. § 1997](#)) requires municipalities to enact procedures to investigate complaints that allege a municipal officer has violated the [Municipal Code of Ethics](#) and to enforce against substantiated complaints, including developing methods of enforcement and available remedies. Below is the Town of Fairfield's Process for Investigation and Enforcement of Ethical Violations and Ethics Complaint Form and the contact information for the Town's Ethics liaison.

1) Filing a Complaint

- a) Who Can File a Complaint:** Any member of the general public may make a Municipal Ethics Complaint alleging that a municipal officer, including any person elected, appointed, or employed by the Municipality, has violated the Municipal Code of Ethics.
- b) How to File a Complaint:**
 - i) Submit the complaint using the [Town of Fairfield Ethics Complaint Form](#) via email, or postal mail, to the Town Administrator who, as the municipal Ethics Liaison, is the Designated Complaint Recipient. A Municipal Ethics Complaint against the Ethics Liaison should, instead, be directed to the Selectboard.
 - ii) Alternatively, use the VT State Municipal Ethics Commission Complaint Form, available here: [FORM HERE](#). The Vermont State Ethics Commission is a non-partisan, independent State agency empowered to accept, review, refer, and track complaints related to ethical conduct in State and municipal government.
 - iii) If there are alleged violations of the Vermont Municipal Code of Ethics. 3 V.S.A. § 1223(b), the complaint should be made to the VT State Municipal Ethics Commission using the form above.
- c) No Adverse Affect:** No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

2) Initial Review

- a) Who Reviews: Town Administrator or/ and Selectboard Designee**
- b) What Happens:**
 - i) Check if the complaint is valid and under the policy's scope.
 - ii) Decide if an investigation is needed or dismiss the case with an explanation.
 - iii) The Town Administrator or Selectboard Designee will seek advice if needed from the State Municipal Ethics Commission in making these determinations if this service is available.
 - iv) Town Administrator or Selectboard Designee's results of the initial review and next steps are reported to the Selectboard. The Selectboard may discuss the ethics complaint against the Municipal Officer or Employee, during executive session in accordance with 1 V.S.A. § 313(a)(4)

3) Investigation

- a) Who Investigates:** A neutral investigator or team determined by the Selectboard.
- b) Steps:**
 - i) Collect evidence and talk to involved parties.
 - ii) Keep everything confidential as much as possible.
 - iii) Wrap up within 30 days, if possible.

4) Findings, Enforcement, and Notification

a) What Happens Next:

- i) **Findings:** Investigator presents findings to the Town Administrator and Fairfield Selectboard Designee.
- ii) **Enforcement Against Elected Officers:** In cases in which the Municipal Officer holds elected office, the Selectboard may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:
 - The Selectboard Chair or Selectboard Designee may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation.
 - The Selectboard body may meet to discuss the conduct of the Municipal Officer in Executive Session in accordance with 1 V.S.A. § 313(a)(4). The Municipal Officer may request, instead, that this occur in public. If appropriate, the Selectboard Body may admonish the offending Municipal Officer in private.
 - The Selectboard Body may admonish the offending Municipal Officer at an open meeting and reflect this action in the minutes of the meeting. The Municipal Officer will be given the opportunity to respond to the admonishment.
 - Upon majority vote in an open meeting the Selectboard Body may request (but not order) that the offending Municipal Officer resign from their office.
- iii) **Enforcement Against Appointed Officers.** In cases in which the Municipal Officer holds appointed office, the Selectboard Body may choose to follow any of the steps articulated in Section 4Aii. In addition to, or in lieu of, any of the steps, the Selectboard Body may choose to remove an appointed Municipal Officer from office, subject to state law.
- iv) **Enforcement Against Employees.** In cases in which the Municipal Officer is also an employee of the Municipality, the Selectboard Body may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

b) Notification: Inform the accused and complainant about the decision.

5) Appeals

a) How to Appeal:

- i) The accused can appeal within 10 days,
- ii) The Selectboard body reviews the case and makes the final decision.

6) Recordkeeping

a) Save all reports and decisions securely while following confidentiality and public record laws.