

GRISWOLD PUBLIC SCHOOLS

Sean P. McKenna, Superintendent of Schools



Agreement to Comply with the Town of Griswold Code of Ethics

It is important that the Griswold Code of Ethics be read and understood in its entirety.

The Griswold Code of Ethics has been e-mailed to all GPS Employees.

The Code of Ethics and additional information on the Code is posted on the GPS Website:

www.griswold.k12.ct.us. On the website, click "Resources" then "Teacher and Staff Resources" then "Staff Forms." Please return the form to Robin Drobiak in the GPS Central Office.

I, the undersigned, acknowledge that I have received, read, and understand the Griswold Code of Ethics. Any provision of the Code that I did not understand has been explained to me in plain language by the person identified below or through an independent language interpreter, if necessary.

I realize that compliance with the Code is a term and condition of my public office, public employment, or contract with the Town and that any violation of the Code may result in any of the penalties listed in Section 35-9 of the Code.

This form shall be returned to the Town of Griswold Town Clerk within 30 business days.

___ Public Employee / Griswold Public Schools

___ Public Official, Commission or Board member

___ Consultant

Signature of Person Covered by Code

Date

Print Name

Signature of Interpreter or Person Explaining (if applicable) Date

Print Name

Town of Griswold, CT
Thursday, May 10, 2018

Chapter 35. Ethics, Code of

[HISTORY: Adopted by the Special Town Meeting of the Town of Griswold 4-22-2004,^[1] amended in its entirety 12-8-2009. Subsequent amendments noted where applicable.]

[1] *Editor's Note: This ordinance also repealed former Ch. 35, Code of Ethics, adopted by Special Town Meeting 4-22-2004.*

§ 35-1. Title.

[Amended 10-24-2017 STM]

This chapter shall be known and referred to as the "Code of Ethics" of the Town of Griswold. The forms referenced in this Code of Ethics (Form A, Request for Advisory Opinion; Form B, Complaint of Alleged Ethics Code Violation; and Form C, Agreement to Comply with the Griswold Code of Ethics) are located at the end of this chapter and are also available in the office of the Griswold Town Clerk. The Commission may modify or discontinue use of such forms, or create new forms, upon the affirmative vote of at least four concurring members of the Commission during the meeting of the Commission duly called for such purpose.

§ 35-2. Statement of purpose.

[Amended 10-24-2017 STM]

Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the Town of Griswold, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence, conflicts of interest and all forms of impropriety so that the confidence of the public is not eroded. By enacting this chapter, the Town of Griswold seeks to avoid any loss of trust and to maintain and increase the confidence of its citizens in the integrity and fairness of their government.

§ 35-3. Application.

This chapter shall be applied to and be binding upon every officer, official, agent, employee, consultant, agency and every member of any board, commission or committee of the Town of Griswold.

§ 35-4. Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

ADVISORY OPINION

A written opinion of the Commission interpreting this Ethics Code or applying any of its provisions to a given statement of facts.

BUSINESS WITH WHICH HE OR SHE IS ASSOCIATED

Any sole proprietorship, partnership, firm, corporation, trust or her entity through which business for profit or not for profit is conducted in which the Town official or employee or a member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting 5% or more of the total outstanding stock of any class.

COMMISSION

The municipal ethics commission established in this Chapter 35.

CONFIDENTIAL INFORMATION

Information, whether transmitted orally or in writing, that a person obtains by reason of the public position or office he or she holds and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.

CONFLICT OF INTEREST

No person subject to this Code of Ethics shall have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her public duties or employment. Without limitation of the generality of the foregoing sentence, a person subject to this Code of Ethics has an interest which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed by applicable law and/or the Town of Griswold if he or she has reason to believe or expect that he or she, or his or her immediate family member or a business with which he or she or such immediate family member is associated, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity. Such person does not have an interest which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by applicable law and/or the Town of Griswold if any benefit or detriment accrues to such person, his or her immediate family member or a business with which such person or his or her immediate family member is associated as a member of a profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group. All persons subject to this Code of Ethics shall seek to avoid even the appearance of impropriety as it relates to this section. A person subject to this Code of Ethics who has a substantial conflict may not take official action on such matter.

[Added 10-24-2017 STM]

EMPLOYEE

See "Town employee."

GIFT

Anything of value, including entertainment, food, beverage, travel, and lodging given or paid to a Town official or employee, unless consideration of equal or greater value is given by the Town official or employee in return. A gift does not include:

- A. A political contribution, as defined in C.G.S. § 9-601a (formerly § 9-333b) that is otherwise reported as required by law, or any type of payment or donation of personal property described in that statute;
- B. Services provided to the Town, or to a Town commission, board or agency, by persons volunteering their time;
- C. A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
- D. A gift received from an individual's spouse, fiancé, parent, brother, sister, child, grandparent, great-grandparent, aunt, uncle, niece, or nephew, or from a parent of the individual's spouse or a spouse of the individual's child;
- E. Goods or services that are provided to the Town and that facilitate the Town's action or functions;
- F. A certificate, plaque or other ceremonial award costing less than \$200;
- G. A rebate, discount or promotional item available to the general public;
- H. Printed or recorded informational material germane to Town action or functions;
- I. Items of nominal value containing or displaying promotional material;
- J. An honorary degree bestowed upon a Town official or employee by a public or private university or college;

- K. A meal provided at an event at which the Town official or employee participates in his official capacity, and a waiver of the registration and entrance fees to attend such an event;
- L. A meal provided in the home by an individual who resides in the municipality;
- M. Items of nominal value tendered on gift-giving occasions generally recognized by the public, including Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, confirmations or bar/bat mitzvah, provided the total value of such gifts in any calendar year does not exceed \$50; and
- N. Other items of nominal value, provided the total value of such gifts in any calendar year does not exceed \$50.

IMMEDIATE FAMILY

Any parent, spouse, child or dependent relative.

INDEPENDENT CONTRACTOR

A person who supplies goods or services to the Town of Griswold under a purchase order, contract, or agreement, but who would not be defined or deemed to be a "municipal employee" within the meaning of Chapter 113 of the Connecticut General Statutes.

INDIVIDUAL

A natural person.

NOMINAL VALUE

A value of \$25 or less.

OFFICIAL

See "Town official."

OFFICIAL RESPONSIBILITY

The direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct government action.

PERSON

An individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

TOWN CONSULTANT

A person who is hired to provide specific information and/or advice to the Town on an independent contractual basis, but who is not an employee of the Town.

TOWN EMPLOYEE

An individual, other than an independent contractor, who is employed by the Town of Griswold in any capacity, whether as a classified or unclassified employee or on a contractual, permanent, temporary, full-time or part-time basis.

TOWN OFFICIAL

An elected or appointed official, whether paid or unpaid or full- or part-time, of the Town of Griswold.

§ 35-5. Ethics Commission members; appointment; qualifications; vacancies.

- A. There shall be an Ethics Commission consisting of five regular members and one alternate member who shall be appointed by the Board of Selectmen, provided that the appointment of each such member must be by a unanimous vote of the Selectmen. The members of the Commission shall each serve for a term of three years, except that, of the initially appointed members, one shall serve for one year, two shall serve for two years, and two shall serve for three years. No more than three shall be members of the same political party. Each member must be an elector of the Town of Griswold. No member shall be a member of the Board of Selectmen, Board of Education, Board of Finance, Planning and Zoning Commission, Zoning Board of

Appeals, Inland Wetlands Commission, or any other commission, board or agency of the Town of Griswold. Members cannot hold or campaign for public municipal office, or be employed by the Town or Borough of Jewett City for a two-year period prior to appointment. Members must be free of any violations of any state, municipal or professional code of ethics. The alternate member shall be included in all Commission meetings and discussions, but the alternate shall not vote unless a regular member steps aside or is not present at the time of the vote.

- B. In the event that the Board of Selectmen cannot or does not fill a vacancy on the Ethics Commission by unanimous appointment within 60 days of the occurrence of the vacancy, the Board may, by majority vote, recommend an appointment to the Town Meeting, subject to the qualifications set forth in Subsection A. The Town Meeting may approve or reject such recommendation by majority vote. In the event, and only after, the Town Meeting rejects such an appointment, the Town Meeting may move to appoint any other person meeting the qualifications set forth in Subsection A to fill the vacancy. Any such appointment by Town Meeting shall require a majority vote of those present and qualified to vote at the Town Meeting.

§ 35-6. Officers; meetings; quorum; absences.

- A. The Commission shall elect a Chairperson, who shall preside at meetings of the Commission; a Vice-Chairperson to preside in the absence of the Chairperson; and a Secretary to receive correspondence, prepare agendas and prepare official minutes of Commission meetings.
- B. A meeting may be called at any time by the Chairperson or by a written request for a meeting signed by at least three members of the Commission. A meeting shall also be called within 30 days after the receipt of any complaint regarding any alleged violation of the Code of Ethics.
- C. Four members shall constitute a quorum. An affirmative vote of at least four concurring members of the Commission shall be required for the Commission to make an official finding that any person has violated the Code of Ethics or an official finding that there is probable cause to believe that any person has done so.
- D. The Commission shall have the power, by a unanimous vote of the other members, to dismiss any member who has been absent from three Commission meetings without good cause. Good cause shall include vacations, health, and unexpected family-related commitments. Any vacancy in the Commission caused by the removal of any member for good cause shall be filled for the balance of the relevant term in accordance with the guidelines set forth above.
- E. All meetings of the Commission are open to the public. The Commission may close certain portions of its meetings (Executive Session) by a vote of 2/3 of the members present and voting in accordance with the provisions of the Freedom of Information Act.^[1]
- F. Any official, council or board member shall withdraw himself or herself from any involvement from any matter which may constitute a conflict of interest. Recusal shall be done in accordance with the provisions set forth in the Town of Griswold ordinance on meetings (§ 56-6).

[1] *Editor's Note: See C.G.S. § 1-200 et seq.*

[Added 10-24-2017 STM]

§ 35-7. Duties of Commission.

- A. The Commission shall compile and maintain minutes of meetings. It shall also provide a written report to the Board of Selectmen annually on or before February 1 summarizing the activities of the Commission.
- B. The Commission may employ necessary staff or outside counsel within available appropriations.
- C. The Commission shall have the power to render advisory opinions with respect to the requirements of this code upon the request of a Town official, employee, or consultant via use of Form A.^[1] A request for an advisory opinion shall be filed with the Town Clerk who, within two business days of receipt, shall notify the Commission Chairperson of the request and send such Chairperson a copy of the completed Form A and all attachments. The Commission shall issue an advisory opinion within 30 days of the Town Clerk's receipt of

the request for such opinion. Such opinions, until amended or revoked, whether by subsequent request of a Town official, employee or consultant or on the Commission's own initiative, shall be binding on the Commission, and good faith reliance on such opinions shall be an absolute defense to any complaint filed pursuant to § 35-8.

[1] *Editor's Note: Form A is included at the end of this chapter.*

- D. Upon the complaint of any person on prescribed Form B^[2] and signed under penalty of false statement, the Commission shall investigate any alleged violation of this code in accordance with the provisions of § 35-8.

[2] *Editor's Note: Form B is included at the end of this chapter.*

- E. In compliance with C.G.S. § 1-82a and the Freedom of Information Act (FOIA), the Griswold Ethics Commission will utilize a tiered approach to all investigations:

(1) Conduct an inquiry and make a determination as to whether there exists probable cause that a violation of the Ethics Code has occurred. This first tier inquiry and its procedures should be separately and completely set forth and, unless the respondent requests otherwise, are confidential while on-going. If the Commission finds no probable cause, the matter is effectively over and, per C.G.S. § 1-82a(d), the investigation remains confidential.

(2) If the Commission finds that there exists probable cause that a code violation has occurred, then its entire inquiry is public, and subsequent proceedings, records, hearing and meetings are public under FOIA. In the conduct of its investigation of an alleged violation of this chapter, the Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses under procedural rules adopted by the Commission to compel attendance before the Commission, and to require the production for examination by the Commission of any books, papers and/or statement of financial interests which the Commission deems relevant in any matter under investigation or in question. The Commission shall make a record of all proceedings pursuant to this § 35.8. If, during the course of any investigation or hearing, the Commission finds probable cause to believe that a false statement has been made under oath, the Commission shall refer such finding to the Office of the State's Attorney for further investigation.

§ 35-8. Investigation procedures.

- A. No complaint shall be made under this code unless it is filed with the Commission within three years after the violation alleged in the complaint has been committed. If multiple violations are alleged, the three-year limitation shall be applied separately to each alleged violation.

- B. As required by C.G.S. § 7-148h(a), the provisions of § 1-82a(a) through (e), as amended, including but not only its confidentiality provisions, shall apply to all investigations and hearings before the Commission under this § 35-8. To the extent that a court of competent jurisdiction determines that any provision of this Code of Ethics conflicts with any applicable provision of state law, the provision of state law shall be deemed to control as though fully set forth herein.

- C. Upon its own complaint or upon the complaint of any person, the Commission shall investigate any alleged violation of this code to determine whether or not there is probable cause to believe that a violation has occurred.

- D. Any person filing a complaint must do so on prescribed Form B^[1] that, with all accompanying documents, shall be submitted to the Town Clerk in a sealed envelope labeled "Ethics Commission Complaint," which the Town Clerk shall, within two business days of receipt, send to the Commission Chairperson. The complaint shall be signed under penalty of false statement and shall state the name of the person who allegedly violated the code (the respondent) and the specific acts alleged to constitute the claimed violation(s). All information presented should be factual, objective and free from bias. Any complaint consisting of second hand information, hearsay or bias may cause this Commission to dismiss such complaint.

[Amended 10-24-2017 STM]

[1] *Editor's Note: Form B is included at the end of this chapter.*

- E. Not later than 15 days after the Town Clerk's receipt of the complaint the Commission shall: (1) send the complainant written acknowledgement of receipt of the complaint; and (2) notify, by registered or certified mail, any respondent against whom such complaint is filed. Upon receipt, the respondent may either request a meeting or may submit a written statement as to whether the complaint states a violation. The Commission shall set the time for the respondents response, which time shall be not less than seven, nor more than 30 days from the date of the respondent's receipt. During the investigation, the respondent shall have the right to appear and be heard, to offer any information that may be relevant to the investigation, and to be represented by legal counsel. The Commission shall not make any finding that there is probable cause to believe that any person has violated this code unless at least four concurring Commission members vote affirmatively to make such finding.
- F. Not later than three business days after terminating its investigation, the Commission shall inform the complainant and respondent, by registered or certified mail, of its determination and provide them a summary of its reasons for that determination. The Commission shall publish its findings upon the respondent's request any may also publish a summary of its reasons for making such finding.
- G. If, after investigation, the Commission determines that there is not probable cause that the respondent has violated the code, the Commission shall dismiss the complaint. The Commission shall not be obligated to consider a similar complaint if it determines that such complaint is based upon substantially the same allegations and there has been no material change in circumstances.
- H. If the Commission determines that there is probable cause that the respondent has violated this code, the Commission shall fix a date for the commencement of a hearing on the complaint, which shall not be more than 60 days from a determination of probable cause. The Commission shall make public such determination of probable cause and the entire record of its investigation. The Commission shall give notice of the date fixed for the hearing at least 14 days before the date of the hearing. The hearing shall be open to the public and may, at the Commission's discretion, be continued from time to time.
- I. Not later than 10 days prior to the commencement of the hearing, the Commission shall provide the respondent with a list of all of its witnesses.
- J. At such hearing, which the Commission shall record, oral evidence shall be taken under oath. The complainant and the respondent shall have the right to:
 - (1) Be represented by legal counsel;
 - (2) Present evidence; and
 - (3) Examine and cross-examine witnesses.
- K. The Commission shall not make any finding that a person has violated any provision of this code unless at least four concurring Commission members vote affirmatively to make such finding.
- L. The Commission shall render its findings and memorandum of decision in writing within 15 days of the close of the public hearing on the complaint, which findings and memorandum shall be public. The Commission shall also send the complainant and respondent a copy of the findings and memorandum of decision. Such findings and memorandum of decision shall constitute the Commission's final decision and shall be subject to appeal to the Superior Court in accordance with the provisions of C.G.S. § 4-183 as amended.
- M. Nothing in this § 35-8 shall prevent the Commission from reporting the possible commission of a crime to the Chief State's Attorney or other prosecutorial authority.

§ 35-9. Enforcement and penalties.

- A. Violation of any provision of this chapter shall be subject to a fine of \$100 per violation, payable to the Town of Griswold general fund.
- B. No person shall be entitled to enforce the provisions of any contract, agreement or business arrangement with the Town of Griswold or any official, agency, commission or board of the Town, if such person knowingly entered into such contract, agreement or business arrangement either in violation of this Code of

- Ethics or with a Town official or employee whom such person knew was violating this Code of Ethics with respect to such contract, agreement or business arrangement.
- C. Upon finding of a violation of this chapter, the Commission, at its discretion, may seek legal counsel to impose any or all of the following sanctions:
- (1) Censure.
 - (2) Reprimand.
 - (3) A civil fine of not more than the maximum allowed under state law per violation, paid to the Town of Griswold general fund.
 - (4) Restitution for any financial loss to the Town of Griswold.
 - (5) Referral of information obtained or generated by the Commission to the appropriate authorities for further civil action or criminal prosecution.
- D. A finding of a willful violation shall be referred to the Town of Griswold Board of Selectman for disciplinary review and action. Actions may include:
- (1) Suspension or termination from employment.
 - (2) Removal or suspension from appointed office.
 - (3) Restitution of any benefits received by the respondent.
 - (4) Termination or revocation of any contract with the Town of Griswold.
 - (5) Debarment from entering into any future contract with the Town of Griswold.

§ 35-10. Standards of conduct for current Town officials and employees.

- A. No Town official or employee shall solicit or accept any gift from any person who, to his or her knowledge, is interested in any pending matter within such official's or employee's official responsibilities. If a prohibited gift is offered or given, the Town official or employee must refuse it, return it, or pay the donor the full value of the gift.
- B. No Town official or employee shall take any official action upon any matter in which he or she has an interest that is in substantial conflict with the proper discharge of his or her duties or employment in the public interest or of his or her responsibilities as prescribed by the laws of this state. A Town official or employee shall be deemed to have such an interest if he or she has reason to believe or expect that he or she, his or her spouse, a dependent child, or a business with which he or she is associated, as defined in § 35-4 of this chapter, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity.
- C. Notwithstanding the provisions of Subsection B, a Town official or employee shall not be deemed to have an interest that is in substantial conflict with the proper discharge of his or her duties in the public interest or of his or her responsibilities as prescribed by the laws of this state if any benefit or detriment accrues to him or her, his or her spouse, a dependent child, or a business with which he or she, his or her spouse, or such dependent child is associated as a member of a profession, occupation or group to no greater extent than that which accrues to any other member of such profession, occupation or group.
- D. Nothing contained in this chapter shall prohibit or restrict a Town official or employee from appearing before any board or commission of the municipality on his or her own behalf, or from being a party in any action, proceeding or litigation brought by or against the Town official or employee or public official if the Town is also a party to such action.
- E. Except as otherwise required by law, no Town of Griswold official or employee shall disclose, without proper authorization, confidential information concerning the Town's affairs.

- F. No Town official or employee shall request or permit the use of Town-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such items are available to the public generally or are provided as a matter of Town policy for the use of such Town official or employee in the conduct of official Town business.
- G. No Town official or employee, a member of his or her immediate family, or any business with which he or she is associated shall enter into a contract (other than a contract of employment) with the Town unless the contract is awarded through a process of public notice and competitive bidding.
- H. All Town officials or employees are expected to practice in a manner that is free from unethical conduct, including perjury, fraud or falsification of official Town records.

§ 35-11. Standards of conduct for Town consultants.

- A. No paid consultant of the Town or any of its agencies, boards, commissions, officials, or employees shall represent a private interest in any action or proceeding against the interest of the Town if such representation does or is reasonably likely to conflict with the performance of his or her duties as a consultant.
- B. No paid consultant of the Town or any of its agencies, boards, commissions, officials, or employees may represent anyone other than the Town concerning any matter in which he or she participated personally and substantially as a consultant to the Town.
- C. No paid consultant of the Town or any of its agencies, boards, commissions, officials, or employees shall disclose confidential information learned while performing his or her duties for the Town, except to the extent required by law, nor shall he or she use such information to advance his or her own financial interests or those of other persons.
- D. All Town consultants are expected to practice in a manner that is free from unethical conduct, including perjury, fraud or falsification of official Town records.

§ 35-12. Standards of conduct for former Town officials and employees.

- A. No former Town official or employee shall disclose or use confidential information acquired in the course of and by reason of his or her official duties to advance his or her own financial interests or those of other persons, except to the extent required by law.
- B. No former Town official or employee who participated substantially in the negotiation or award of a Town contract obliging the Town to pay an amount of \$100,000 or more, or who supervised the negotiation or award of such a contract, shall accept employment with a party to the contract other than the Town for a period of one year after such contract is signed.

§ 35-13. Education and training; distribution of Code of Ethics.

- A. The Town Clerk shall cause a copy of this Code of Ethics, and of any amendments or revisions thereto, to be distributed to every Town official, employee and consultants within 60 days after enactment. Each Town official, employee, and consultant shall be furnished an up-to-date copy of this Code of Ethics before entering upon the duties of his or her office, employment, or consulting engagement.
- B. Every two years, the Commission will provide training and/or written updates on this code to Town officials, employees and consultants. Training shall include updates of new state laws on ethics and any amendments to this code. An updated signed copy of Form C, Agreement to Comply with the Griswold Code of Ethics,^[1] will be signed and returned to the Town Clerk within 30 business days after said training and retained on file.

[1] Editor's Note: Form C is included at the end of this chapter.