

Ethics Board Procedures

- I. Board jurisdiction Sec 8-18 D of the Ethics Code authorizes the Ethics Board to act in three principal circumstances.
 - A. Officer or employee-initiated requests for advice. § 8-18 D(1) permits Town officers and employees to request the confidential advice of the Board concerning their personal compliance with the Code.
 1. Any such request should be submitted in writing to the Board by email, at boe@shelterislandtown.gov. There is no specific form for such a request, but it should describe the issue in as much detail as possible.
 2. The Board will acknowledge receipt of the request as soon as practicable, by email. It may at any time request additional information.
 3. The Board will endeavor to issue an opinion reasonable promptness. Any such opinion will remain confidential. However, in situations in which the Board believes other Town employees would benefit from the opinion, the Board may request that the employee agree to making it public.
 - B. Third party complaints. § 8-18D(2) authorizes third parties to file complaints with the Board regarding a particular officer or employee's conduct that they believe constitutes a violation of the Code.
 1. Any such complaint must be submitted in writing to the Board by email, at boe@shelterislandtown.gov. The complaint should , at a minimum, contain the following:
 - a. Name and contact information for the complainant. If the complainant wishes their identity to remain confidential they may so request; that confidentiality will be determined by the board.
 - b. The name and Town position of the officer or employee in question.
 - c. A detailed description of the conduct alleged to be in violation of the Code. The complaint should provide sufficient detail to enable the Board to review and assess the alleged conduct.
 - d. The specific Code section(s) allegedly violated.
 2. The Board will acknowledge receipt of the complaint as soon as practicable, by email.
 3. After initially evaluating the complaint, the Board may respond in one of the following ways:
 - a. It can accept the complaint and proceed with the investigation as described below.
 - b. It can request additional information before accepting or rejecting the complaint.
 - c. If the complaint fails to comply with the above requirements it may reject the complaint, or request additional information.

- d. If the Board determines that the complaint is frivolous on its face, or the alleged violation would be de-minimis, it may dismiss the complaint without further investigation.
- e. If the board determines that, on the face of the complaint, there is no probable cause that a Code violation took place, it may dismiss the complaint.

The Board shall notify both the complainant and the subject of the complaint, by email, of its actions.

C. Board- initiated investigations § 8-18D(3) authorizes the Board to act on its on motion to investigate suspected violations of the Code.

1. If the Board has a reasonable basis to believe that there is probable cause that at Town officer or employee may have violated a provision of the Code it may undertake an investigation of the matter, even if no complaint has been made regarding it.
2. The Board shall give written notice to the employee, via email that it has initiated the investigation.
3. The Board shall conduct the investigation in accordance with the rules described in § 8-19 of the Code.
4. All matters concerning the investigation shall be kept confidential.

II. Conduct of Investigations Sec 8-19

A. In conducting investigations of an alleged violation of the Code, the Board shall act within the authority of § 8-19 of the Code, which provides:

In conducting any such investigation, the Ethics Board may administer oaths or affirmations, compel attendance of witnesses, and require the production of any books or records that it may deem relevant and material. The Ethics Board shall make a reasonable effort to obtain voluntary cooperation prior to exercising or enforcing their right to compel testimony. Further, the Ethics Board shall take steps to ensure that every individual's right to due process is protected.

B. The Board may conduct the investigation by email, in person and/or remotely, in the discretion of the Chair.

III. Opinions

A. In General

5. Board opinions will be in writing, and delivered to the relevant person(s) by email.

6. Opinions will include the question presented, the facts relied upon, the relevant sections of the Code, the Board's analyses and its conclusion.

B. Advisory Opinions

1. In drafting advisory opinions in response to requests from officers or employees concerning themselves, the question should be narrowly framed. Advisory opinions should only respond to the specific facts in those situations so that they do not present incorrect precedents to other facts and circumstances.
2. Employee advisory opinions must be kept confidential unless the employee waives confidentiality. That confidentiality continues despite changes in the members of the Board, future members may review older Opinions for their precedent value, but those opinions remain confidential.

C. Complaint or Board-initiated Opinions

1. Opinions responding to complaints or board initiative are more widely disseminated. The ethics board will "forward its opinions responding to complaints or opinions on its own motion to the Town Board with any recommendations for disciplinary actions and penalties."
2. A copy of the opinion issued in response to a complaint shall be delivered via email to the complainant and to the officer or employee who is the subject to the complaint.
3. In the case of a Board-initiated investigation, a copy of the opinion shall be delivered by email to the subject officer or employee.

- D. In the event that, after rendering an opinion, the Board receives substantial, relevant new information, or discovers factual errors in the opinion, it may revise or amend its opinion as necessary.