



CODE OF ETHICS INVESTIGATION & ENFORCEMENT POLICY

Article 1. Authority

Under the authority granted in 24 V.S.A. § 2291(20), the Town of Westford hereby adopts the following policy concerning code of ethics investigation and enforcement ordinance.

Article 2. Purpose

The purpose of this ordinance is to enact procedures for the investigation of complaints that allege a municipal officer has violated Vermont's Municipal Code of Ethics and the enforcement in instances of substantiated complaints, including methods of enforcement and available remedies.

Article 3. Definitions

- A. "Designated Complaint Recipient" means the municipal officer or body designated to receive complaints alleging violations of the Municipal Code of Ethics.
- B. "Municipal Code of Ethics" means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.
- C. "Municipal Ethics Complaint" means a complaint against a "Municipal Officer" or "Officer" alleging a violation of the Municipal Code of Ethics.
- D. "Municipal Officer" or "Officer" means:
 1. any member of a legislative body of a municipality;
 2. any member of a quasi-judicial body of a municipality; or
 3. any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
 - a. auditor;
 - b. cemetery commissioner;
 - c. clerk;
 - d. collector of delinquent taxes;
 - e. department heads;
 - f. lister or assessor;
 - g. moderator;
 - h. planning commission member;
 - i. road commissioner;
 - j. town administrator;
 - k. treasurer;
 - l. town trustee;
 - m. trustee of public funds
- E. "Public body" means any board, council, or commission of the Municipality, any board, council, or commission of any agency, authority, or instrumentality of the Municipality, or any committee or subcommittee of any of the foregoing boards, councils, or commissions.

Article 4. Complaints

- A. Any member of the general public may make a Municipal Ethics Complaint including any person elected, appointed, or employed by the Municipality.
- B. All Municipal Ethics Complaints must be directed to the Designated Complaint Recipient.

- C. It is the intent of the Selectboard that individuals be allowed to report misconduct without fear of retaliation or personal detriment. Municipal officers who have been named in an Ethics complaint are prohibited from conducting any form of retaliation against the individual who filed the complaint, and the officer may face additional disciplinary action for any acts of retaliation, as deemed by the Selectboard. [whistleblower-protection-posting.pdf](#)
- D. The Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation of all Municipal Ethics Complaint, and confidentiality will be protected to the extent possible.
- E. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to Municipal Administrator.
- F. 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.

Article 5. Enforcement

If the Designated Complaint Recipient, or the Municipal Administrator in the case of a Municipal Complaint brought against the Designated Complaint Recipient, determines that a violation of the Municipal Code of Ethics has occurred, they will refer the complaint to the Legislative Body for immediate and appropriate corrective action. Municipal Officers who are found to have violated the Municipal Code of Ethics may face the following disciplinary action:

- A. **Enforcement Against Elected Officers.** In cases in which the Municipal Officer holds elected office, the Legislative Body may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:
 1. The Chair or Vice Chair (in cases where the Chair is on the receiving end of the complaint) of the Legislative Body may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation. This will not take place in situations where the Chair of the Legislative Body and the Municipal Officer together constitute a quorum of a public body.
 2. The Legislative Body may meet to discuss the conduct of the Municipal Officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The Municipal Officer may request that this meeting occur in public. If appropriate, the Legislative Body may admonish the offending Municipal Officer in private.
 3. The Legislative 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.
 4. Upon a majority vote in an open meeting, the Legislative Body may request (but not order) that the offending Municipal Officer resign from their office.
- B. **Enforcement Against Appointed Officers.** In cases in which the Municipal Officer holds appointed office, the Legislative Body may choose to follow any of the steps articulated in Section 5A. In addition to, or in lieu of any of those steps, the Legislative Body may choose to remove an appointed Municipal Officer from office, subject to state law.
- C. **Enforcement Against Employees.** In cases in which the Municipal Officer is also an employee of the Municipality, the Municipal Administrator may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

Article 6. Appeals

A decision of the Legislative Body may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Municipality's personnel policy.

Article 7. Other Laws

This ordinance is in addition to all other ordinances of the Municipality and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Article 8. Severability

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this ordinance. If any statute referred to in this ordinance is amended, this ordinance will be deemed to refer to such amended statute.

Article 9. Contract Cancellation

1. The Westford selectboard will review the findings of the investigation and determine whether a contract was entered into unethically and to cancel the contract. Factors to be considered include:
 - a. The severity of the violation
 - b. The impact of the violation on the Town
 - c. The contractor's history of performance
 - d. The availability of alternative contractors
 - e. The best interests of the Town

2. Notice of Cancellation:

If the Westford selectboard decides to cancel the contract, the contractor will be notified in writing. The notice will state the reasons for the cancellation and the effective date of the cancellation.

3. Contractor's Remedies:

The contractor may have the right to appeal the decision to cancel the contract. The appeal process will be outlined in the contract or in applicable Town policies.

4. Consequences of Cancellation:

If the contract is cancelled, the contractor may be liable for damages incurred by the Town as a result of the cancellation. The Town may also be entitled to recover any payments made to the contractor for work that was not performed satisfactorily or in accordance with the contract.

5. Record Keeping:

The Westford selectboard will maintain records of all investigations and contract cancellation decisions.

Article 10. Effective Date

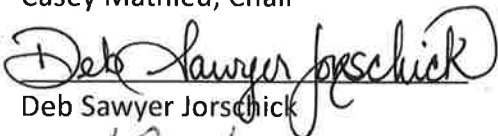
This policy shall become effective immediately upon its adoption by the Selectboard.

This policy may be amended by a majority vote of the Selectboard.

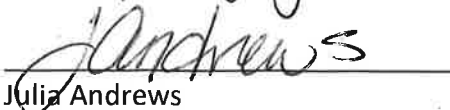
Adopted by the Selectboard of the Town of Westford at its meeting held May 22, 2025.



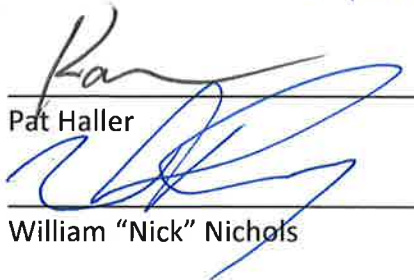
Casey Mathieu, Chair



Deb Sawyer Jorschick



Julia Andrews



Pat Haller

William "Nick" Nichols