

TOWN OF GROTON BOARD OF SELECTMEN

INVESTIGATION POLICY AND PROCEDURE

ADOPTED

Pursuant to G.L. c. 41, sec. 23B and Section 3-2(e) of the Town Charter, the Board of Selectmen may make an investigation into the affairs of the Town and into the conduct and operation of any Town department. Upon completion of such investigation a report shall be placed on file in the office of the Selectmen, in the Town library, and in the office of the Town Clerk; and such report shall be summarized in the Annual Town Report following completion of the investigation.

Investigations conducted by the Board pursuant to the General Laws and the Town Charter shall be conducted pursuant to this policy and procedure.

1. If a member or members of the Board are presented with a request that the Board initiate an investigation, the request shall be reduced to writing and forwarded to the Chair. If the Chair receives a request for an investigation, he/she shall timely inform the other members of the request. Members of the Board are not to engage in deliberation or discussion relative to the request outside of a properly posted meeting of the Board under the Open Meeting Law.

2. Upon the Chair's receipt of an investigation request, the Chair shall meet with the Town Manager to review the request. If the request pertains to a matter placed in the Town Manager's charge pursuant to Section 4-2 of the Charter, including allegations of misconduct by an employee for which the Town Manager serves as the appointing authority, the request shall be referred to the Town Manager for further review and disposition, and the Chair shall so inform the other members. In the event the Chair and Town Manager disagree at this step as to referring the request, the request shall be presented to the full Board for review and a determination as to whether the request shall be referred to the Town Manager.

3. If the request falls within the purview of the Board pursuant to the General Laws and the Town Charter, the Chair shall place on a future Board meeting agenda an item relative to receipt of the request and whether the Board will initiate an investigation. Whether the Board may meet in Executive Session to discuss the request, and what exemption to the Open Meeting Law may apply, shall be determined on a case-by-case basis.

4. A majority vote of those members present and voting is required for the Board to initiate an investigation. At its discretion, the Board may retain an outside investigator to conduct the investigation, direct that the Town Manager conduct the investigation, or a member of the Board may be designated to conduct the investigation. The Board may also take other action(s) with regard to the request as the Board deems appropriate, including referring the request to non-binding alternative dispute resolution, in an attempt to resolve the matter.

5. An investigator designated by the Board to conduct the investigation shall have the right to review Town records that are relevant to the investigation and may conduct interviews of Town employees, and others, which the investigator deems necessary during the course of the investigation. Upon completion of the investigation, the investigator shall deliver his/her written findings to the Chair.

6. Upon receipt of the investigator's written findings the Chair shall forward the findings to each member of the Board and promptly place an item on a Board meeting agenda for the Board to discuss the findings and determine what, if any, remedial steps shall be taken as a result of the investigator's findings. Whether the Board may meet in Executive Session to discuss the findings, and what exemption to the Open Meeting Law may apply, shall be determined on a case-by-case basis.

7. If the investigation request pertains to an act or omission committed by a member of the Board or the Town Manager, or an immediate family member of either, the member or Town Manager, as the case may be, shall not participate in the processing of that investigation request.

8. This policy and procedure may be amended only by majority vote of the Board taken during a properly posted public meeting. Any such amendment shall be reduced to writing and incorporated herein.

SO ADOPTED, THIS _____ DAY OF _____, 20__

BOARD OF SELECTMEN

John G. Petropoulos, Chair

Joshua A. Degen, Vice Chair

Barry A. Pease, Clerk

Peter S. Cunningham, Member

Anna Eliot, Member