

Ethics Committee Complaint Procedures

1. Each complaint shall be submitted in writing utilizing Complaint Forms located in the Town Council's Office or the Town Web Site. The complaint form shall be filed confidentially with the Committee. The individual being complained against and each member of the Committee shall be furnished a copy of the complaint. The Committee shall schedule a meeting, within two weeks of receipt of the complaint, to conduct an initial review so as to ascertain whether the Committee has jurisdiction to consider the complaint, whether the complaint is without merit, is unfounded, or whether the complaining party has exhausted all other avenues of relief available within the Merrimack Town Government.
2. Any person who knowingly and willfully files a false complaint does so under the penalty of perjury.
3. Except as provided in the By-Laws of the Ethics Committee, all proceedings, information, communications, materials, papers, files, and transcripts - written or oral, received or developed by the Committee in the course of its work, shall be confidential. Any violation of these provisions relating to confidentiality may result in action by the Committee, at the request of the non-violating party or on its own motion, to terminate the proceedings with or without public comment.
4. If, after receiving a complaint, the Committee concludes by a recorded vote that the alleged conduct is not within the Committee's jurisdiction or is without merit or is unfounded, the Committee shall dismiss the complaint and shall report such conclusion to the complainant and to the individual against whom the complaint was filed, together with an explanation of the basis of such determination.
5. If the Committee concludes that the complaint is within its jurisdiction and has merit, then by recorded vote, the Committee may conduct a preliminary investigation.
6. Upon completion of its preliminary investigation, the Committee shall conclude by recorded vote that:
 - A. No action is appropriate because no improper conduct occurred;
 - B. The Complainant had not exhausted all avenues of relief available within the Merrimack Town government.
 - C. The violation is inadvertent, technical or minor in nature and shall be addressed by informal methods; or
 - D. The conduct complained of is of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The Committee shall then make a statement of formal charges and hold a formal hearing on the complaint.
7. Upon completion of the formal hearing, the Committee shall conclude by recorded vote that:
 - A. No action is appropriate because no improper conduct occurred; or
 - B. No action is appropriate because there is not clear and convincing evidence that improper conduct occurred; or

- C. There was improper conduct based upon clear and convincing evidence, but such conduct does not justify formal disciplinary action and should be resolved by informal methods; or
- D. There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action.

The Committee shall submit a summary report of the deliberations regarding the complaint and its findings as follows:

- 1) To the Town Council in the case of the Town Manager, a Town Committee Member, or a Town Board Member;
 - 2) To the Town Manager in the case of an employee of the Town;
 - 3) To the School Board in the case of a School Board Member, or a School District Employee;
 - 4) To the Merrimack Village Commissioners in the case of a District Employee or a Commissioner.
- E. The report may contain any specific recommendations concerning disciplinary actions to be imposed.
- 8. Any member of the Ethics Committee who is directly or indirectly involved in any complaint before the Committee shall not participate in any proceedings regarding the complaint.
 - 9. In the event that a member does not participate in a particular case, the remaining members of the Ethics Committee shall designate an alternate to serve on the Committee for that case only.