

**CRIMINAL OFFENDER RECORD INFORMATION (CORI)  
ACKNOWLEDGEMENT FORM**

TO BE USED BY ORGANIZATIONS CONDUCTING CORI CHECKS FOR EMPLOYMENT, VOLUNTEER,  
SUBCONTRACTOR, LICENSING, AND HOUSING PURPOSES.

The Town of Truro is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that CORI check will be submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to the Town of Truro to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing the Town of Truro written notice of my intent to withdraw consent to a CORI check.

**FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY:**

The Town of Truro may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that the Town of Truro must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on the Page 2 of this Acknowledgement Form is true and accurate.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Complete the back side



Please provide a copy of your Driver's License

**SUBJECT INFORMATION:** (An asterisk (\*) denotes a required field)

\*Last Name

\*First Name

Middle Name

Suffix

Maiden Name (or other name(s) by which you have been known)

\*Date of Birth

Place of Birth

\*Last Six Digits of Your Social Security Number:

Sex: Height: Ft. In. Eye Color: Race:

Driver's License or ID Number: State of Issue:

**Current and Former Addresses:**

Street Number & Name

City/Town

State

Zip

Street Number & Name

City/Town

State

Zip

**BELOW TO BE COMPLETED BY TRURO STAFF**

The above information was verified by reviewing the following form(s) of government-issued identification:

**VERIFIED BY:**

Name of Verifying Employee (Please Print)

Signature of Verifying Employee



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666  
Tel: (508) 349-7004 Fax: (508) 349-5505

## MEMORANDUM

**To:** All Town Employees  
**From:** Kelly S. Clark, Assistant Town Manager  
**Date:** January 25, 2019  
**Subject:** Completion of State Ethics Requirements and Board of Selectmen Policies

In order to streamline the process of monitoring and collecting the documents necessary to maintain compliance with the Commonwealth of Massachusetts ethics requirements and the Truro Board of Selectmen policies, effective immediately the following are to be completed by **March 1, 2019**. Starting in 2020, these will be due annually by January 1:

- Signature on the Acknowledgment of Receipt found on the last page of the Summary of the Conflict of Interest Law for Municipal Employees;
- State Ethics Commission online training certificate (required every two (2) years);
- Board of Selectmen Policy Memorandum #19 (Sexual Harassment Policy);
- Board of Selectmen Policy Memorandum #54 (Standards of Professional Conduct).

It is understood that these documents may have been completed in the past few months; however, in order to have everyone on the same timeline, you may be required to sign and complete these documents again.

Additionally, the Commonwealth is requiring that the written Acknowledgments and online training programs relating to the Conflict of Interest Law Education must again be completed by all employees. Please note that these requirements are mandatory for all employees in accordance with M.G.L. Chapter 268A.

It is required that new public employees complete the online ethics training within 30 days of beginning public service, and every 2 years thereafter. Going forward, this timeline will be modified so that the first 2-year date to retake this training will fall on January 1 preceding the anniversary of your certificate date (i.e., May 2018 certificate date will require training due by January 1, 2020) and will be January 1 thereafter.

Attached are copies of the following documents which need your attention by **March 1, 2019**:

- Policy Memorandum #19 (Sexual Harassment Policy) with attached Acknowledgment of Receipt;
- Policy Memorandum #54 (Standards of Professional Conduct) with attached Acknowledgment of Receipt;
- Summary of the Conflict of Interest Law for Municipal Employees with attached Acknowledgment of Receipt;
- State Ethics Commission online training program instructions;
- Online training link: <http://www.municipal.eth.state.ma.us> *www.STATEPROG.ETH.STATE.MA.US*

Please submit your signed Acknowledgments and State Ethics Commission online training certificate to Liz Sturdy in the Administrative Office at Town Hall as soon as possible. Documents can be hand delivered or scanned and emailed to [l.sturdy@truro-ma.gov](mailto:l.sturdy@truro-ma.gov).

Thank you for your compliance with these requirements.

## **Notice to All Municipal Employees**

The following is important information from the State Ethics Commission on the conflict of interest law education and training requirements for municipal employees. You are a municipal employee required to acknowledge receipt of the summary of the law and complete the online training program for municipal employees if any of the following is true:

- You hold any elected office, whether paid or unpaid
- You hold any appointed position, including membership on a board or committee, whether paid or unpaid
- You hold a part-time, seasonal or intermittent position
- You hold an elected or appointed position with an independent municipal agency or district, such as a municipal utility or fire district, or a regional municipal district, such as a regional utility or school district.

If you are unsure about whether these requirements apply to you, please contact your employer or the State Ethics Commission. Please **DO NOT** send your acknowledgment of receipt or your online training completion certificate to the State Ethics Commission.

### **I. Summary of the conflict of interest law for municipal employees**

Your municipal employer will provide you with the summary of the law. You are required to return to your employer an acknowledgment that you received the summary, which your employer will maintain on file. The last page of the summary has an acknowledgment form for you to use. In the alternative, your employer may ask that you acknowledge receipt of the summary by replying to an email or by completing an online form. Please follow the instructions provided by your employer.

### **II. Conflict of interest law online training program for municipal employees**

Your employer will direct you to complete an online training program on the conflict of interest law. Please follow your employer's instructions on how to access the training program. If you are directed to the program on the Ethics Commission website, you may access it at: [www.municipal.eth.state.ma.us](http://www.municipal.eth.state.ma.us). Before you begin the program, please note the following in order to ensure your ability to obtain an acceptable completion certificate to provide to your employer:

- **Do not** use a mobile device, such as a smartphone or tablet, to complete the training program.
- **Turn off** the pop-up blocker in your web browser. You will not be able to print a completion certificate at the end of the program if you do not first disable the pop-up blocker. If you are able to proceed through the entire program but your completion

certificate does not include your name, position and municipality, you can temporarily disable the pop-up blocker by holding down the "Ctrl" key on your keyboard, and then click the "View Certificate" button on the program.

- If you will need to print a completion certificate, make sure your computer is connected to a printer.
- If your employer asks you to send your certificate electronically, you can save the certificate electronically by converting it to a .PDF file. You may also take a screen shot of the certificate or scan a printed copy and save it to your desktop to email to your employer or you can take a cell phone picture to email to your employer. Contact your employer if you need assistance. The Ethics Commission does not maintain any record that you completed the online training program.
- **Do not** click the Course Credit button instead of the Print Certificate button unless you have been directed to do so by your employer. The Course Credit button is only to be used in connection with learning management systems.

If you are directed to an alternative site to access the training program, such as the municipality's website or a learning management application site, please follow the instructions provided by your employer.

**Notice for charter school employees only:** Charter school employees are state employees for the purposes of the conflict of interest law. Charter school employees should complete the [state/county online training program](#) and acknowledge receipt of the [summary of the conflict of interest law for state employees](#).

## Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

### **I. Are you a municipal employee for conflict of interest law purposes?**

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

### **II. On-the-job restrictions.**

**(a) Bribes.** Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

**(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)**

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

***Example of violation:*** A town administrator accepts reduced rental payments from developers.

***Example of violation:*** A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions.** There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

***Example where there is no violation:*** A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

***Example where there is no violation:*** A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

***Example of violation:*** A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal



employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official

*Example where there is no violation:* A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec 23(b)(3).

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### **III. After-hours restrictions.**

**(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

*Example:* A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

**(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes

contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

**Example of violation:** A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

**Example of violation:** A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

**Example:** A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school

committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

*Example:* A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

**(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)**

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

*Example of violation:* Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

*Example of violation:* A selectman buys a surplus truck from the town DPW.

*Example of violation:* A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

*Example of violation:* A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

#### IV. After you leave municipal employment. (See Section 18)

**(a) Forever ban.** After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation:* A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

**(b) One year cooling-off period.** For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

*Example:* An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners.** Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

*Example:* While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

*Example:* A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

\* \* \* \* \*

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ahins>, contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 7: Revised November 14, 2016.

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The Official Website of the State Ethics Commission

## State Ethics Commission

Home > Education & Training Resources > Mandatory Conflict Law Education Requirements > Municipal Employee Summary

### Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

#### I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

#### II. On-the-job restrictions.

##### (a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

##### (b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

**Example of violation :** A town administrator accepts reduced rental payments from developers.

**Example of violation :** A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions .** There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

**Example where there is no violation :** A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

**Example where there is no violation :** A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

**Example of violation :** A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

**Example of violation :** A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

**Example of violation :** A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

**(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)**

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

**Example of violation :** A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

**Example of violation :** A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

**Example :** A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

**Example where there is no violation :** An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's

financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

**Example where there is no violation:** A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

**Example of violation :** A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

**Example where there is no violation :** A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### III. After-hours restrictions.

**(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

**Example :** A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

**(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.



A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

**Example of violation :** A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

**Example of violation :** A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

**Example :** A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

**Example :** A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

**(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)**

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

**Example of violation :** Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

**Example of violation :** A selectman buys a surplus truck from the town DPW.

**Example of violation :** A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

**Example of violation :** A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

**IV. After you leave municipal employment. (See Section 18)**

**(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.**

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**Example of violation :** A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

**Example :** A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

[illegible]

*Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an email acknowledging receipt of the summary to the individual who provided them with a copy of it.*



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: (508) 349-7004, Ext. 10 or 24 Fax: (508) 349-5505

## POLICY MEMORANDUM #54

Date: October 28, 2014; January 13, 2015 Revised; February 10, 2015 Revised; rev 9/13/2022

*\* This policy was revised at the September 13, 2022 Select Board meeting solely to reflect the titles used in the Town Charter for the Town Manager and Select Board and to modify language to be gender neutral. No changes were made to the content of the Policy at that meeting.*

Subject: Standards of Professional Conduct

### Preamble

The Town of Truro municipal government desires to set a standard of the highest professionalism, civility and respect for employees, volunteers, residents and visitors through personal interactions and any other methods of communication. Additionally, as the controlling governmental body of the Town of Truro, the Select Board shall model this behavior for the Town. Additionally, the Board shall reinforce and utilize the proper reporting chain (Chain of Command) when dealing with Town employees and processing complaints.<sup>1</sup>

Accordingly, no employee, member of a Board, Commission or Committee, or any other person engaged by the Town of Truro, shall enter into any oral discussions or other form of communication by any means without employing the highest standards of personal integrity, truthfulness, honesty, civility and fairness in carrying out his or her public duties. Failure to do so is a violation of this policy.

### 1. DEFINITIONS:

**Civility-** Respect and civility, from all employees, volunteers, those representing the Town, and those in attendance at any Town function, shall be maintained at all times, including and especially during public meetings. Public meetings are to be free from disrespect, creating a public embarrassment, and/or personal attacks on any person whether present or absent from the proceedings. Town Officials and employees, as well as the public, shall be free to express their ideas-- as is their right-- without the threat of harassment and/or intimidation. All persons, as mentioned, shall not be verbally or physically accosted for any reason, at any time. While disagreements about issues are acceptable, becoming

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<sup>1</sup> It is understood that due to circumstances beyond the norm and the critical nature of their positions, Police and Fire Department personnel, will act under the guidelines of Truro Police Department & Fire Department Rules and Regulations.

disagreeable is not.

**Integrity** -No promises or commitments that cannot be reasonably and lawfully fulfilled shall be made by any party working for or representing the Town of Truro. Appropriate social, ethical, and organizational norms in all Town related activities shall be maintained at all times. Acting with integrity includes a commitment to honesty, truthfulness, fairness, follow-through and completing tasks and duties to the highest standard possible.

**Respect:** All persons shall be treated in a fair and equitable manner, without exception. No employee, member of any board, commission or committee, or person representing the Town of Truro, shall at any time for any reason raise his/her voice, demean, or purposefully embarrass any person in any Town building, on any Town property, or at any meeting, presentation, or event or similar, sponsored by the Town. It is expected that any person doing business in Town buildings or at a Town event shall be similarly respectful to all others in attendance and those responsible for the event.

**Ethics:** The highest standards of professional behavior and compliance with all Commonwealth of Massachusetts and Ethics Commission laws, regulations, and policies under which we operate as a Town, shall be maintained at all times.

**Communications:** All parties mentioned above shall strive to be open, consistent, truthful, and respectful in all communications-written and verbal-as this is vital for reflective and sound decision-making for our community. There will also be a commitment to confidentiality of privileged communication that occurs in Executive Sessions and/or involves matters related to personnel, collective bargaining and threatened, pending or ongoing litigation.

**Teamwork:** The Town, including all Departments, Boards, Commissions and Committees, shall promote an atmosphere of teamwork and mutual respect to achieve organizational goals, recognizing at all times that unity of purpose and effort leads to productivity and greater accomplishments for our Town.

## **2. ENFORCEMENT:**

While it is expected that everyone will abide by the code of conduct and remind colleagues and peers of their obligations, it is the responsibility of Committee, Commission and Board Chairs as well as the Town Manager and Department Heads to enforce the code of conduct. Violations will not be tolerated and may result in disciplinary action.

## **3. REPORTING CHAIN:**

**Chief of Police and the Fire Chief:** Both Chiefs report directly to the Select Board. Although general dialog and information sharing is encouraged, to foster the best possible communication and management of expectations, anyone making a formal request of either the Police Chief or Fire Chief must direct that request through the Selectmen's designated liaison to the particular Chief. Except when it would be impractical to do so, such requests should be discussed by the full Board of Selectmen prior to communicating the request to the particular Chief.

**Library Director:** Reports to the Board of Library Trustees who are responsible for assigning tasks to the Director.

**All other Department Heads:** Report directly to the Town Manager. If a member of the Select Board wishes to task a Department Head, said tasking shall only come from the Town Manager.

**Board and Committee Chairs:** Report directly to their appointing authority through the official liaison designated by the appointing authority.

#### **4. COMPLAINTS AGAINST A TOWN EMPLOYEE:**

Members of the Select Board shall not circumvent the reporting chain for any complaint received from the public or an employee. The Board of Selectmen and Department Heads shall be mindful of contractual obligations, employment rights, and the personnel by-law.

Adopted by the Board of Selectmen October 28, 2014



Kristen Reed, Chair



Robert Weinstein, Vice-Chair



John Dundas, Clerk



Susan Areson



Stephanie Rein  
Truro Select Board



# TOWN OF TRURO

P.O. Box 2030

Truro MA 02666-2030

Tel: 508-349-7004

Fax: 508-349-5505

## POLICY MEMORANDUM #19 (amended)

Date: November 5, 1996 (Amended: October 24, 2017); Revised September 13, 2022

\*This policy was revised at the September 13, 2022 Select Board meeting solely to reflect the titles used in the Town Charter for the Town Manager and Select Board and to modify language to be gender neutral. No changes were made to the content of the Policy at that meeting.

Subject: **SEXUAL HARASSMENT POLICY**

### 1. Introduction:

It is the goal of the Town of Truro to promote a workplace that is professional, treats all of those who work here with dignity and respect, and is free of sexual and other forms of discriminatory harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town of Truro. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will also not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Truro takes allegations of sexual and other forms of discriminatory harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual and other forms of discriminatory harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### 2. Legislative Requirement:

Chapter 278 of the Acts and Resolves of 1996 signed on August 8, 1996 is available at Truro Town Hall.

## **Sexual Harassment Policy**

November 5, 1996 (amended October 24, 2017)

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### **3. Definition of Sexual Harassment:**

In Massachusetts, the legal definition for sexual harassment is:

**"Sexual harassment:"** shall mean sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- b. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor or other employee for sexual favors in exchange for actual or promised job benefits such as favorable evaluations, salary increases, promotions, increased benefits, or continued employment, constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.



## **Sexual Harassment Policy**

November 5, 1996 (amended October 24, 2017)

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All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Truro.

### **4. Complaints of Sexual Harassment:**

If any of our employees believes that they have been subjected to sexual harassment, the employee has the right to file a complaint with the Town of Truro. This may be done in writing or orally. Attachment 2 contains the Complaint Procedure Guidelines and Complaint Form.

If you would like to file a complaint, you may do so in writing or orally with your supervisor, or by writing to or speaking with the Town Manager. You may call Town Hall at 349-7004 and set up a personal appointment, or by writing to the Town Manager at P. O. Box 2030, Truro, MA 02666. You may also file a complaint with or seek advice from the Assistant Town Manager by calling 508-349-7004 x128, or by writing to them c/o Truro Town Hall. These individuals are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **5. Sexual Harassment Investigation:**

When we receive the complaint, we will then investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

### **6. Disciplinary Action:**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

### **7. Sexual Harassment Complaint Procedure:**

Any employee who believes they may have been subjected to sexual harassment should report the alleged incident immediately in accordance with the procedures outlined in the Attachment to this Policy Memorandum. All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

8. State and Federal Remedies:

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has the following time period for filing a claim (EEOC- 300 days; MCAD- 300 days).

**Sexual Harassment Policy**

November 5, 1996 (amended October 24, 2017)

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- a. The U. S. Equal Employment Opportunity Commission (EEOC)  
JFK Federal Building, Room 475  
Government Center  
Boston, MA 02203  
1-800-669-4000
- b. The Massachusetts Commission Against Discrimination (MCAD)  
(Boston Office)  
One Ashburton Place, Sixth Floor, Room 601  
Boston, MA 02108  
617-994-6000

Attachments:

Sexual Harassment and Any Other Form of Discriminatory Harassment Complaint  
Procedure Guidelines

Sexual Harassment and Any Other Form of Discriminatory Harassment Complaint Form:  
Complainant's Report (Optional)

Sexual Harassment and Any Other Form of Discriminatory Harassment Complaint Form:  
Alleged Offender's Response (Optional)



Kristen Reed, Chair



Robert Weinstein, Vice Chair



John Dundas, Clerk



Susan Areson



Stephanie Rein

Select Board  
Town of Truro

# **SEXUAL HARASSMENT AND ANY OTHER FORM OF DISCRIMINATORY HARASSMENT COMPLAINT PROCEDURE GUIDELINES**

Any employee who believes they may have been subjected to sexual harassment or any other form of discriminatory harassment should report the alleged incident immediately in accordance with these procedures. All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

## **STEP 1**

The individual alleging sexual harassment or any other form of discriminatory harassment should report the incident immediately to their Department Head or Supervisor, or to the Town Manager, or use the Private Counseling Option noted in the Policy Statement.

Any individual made aware of such accusations must immediately direct the matter to the Town Manager who will notify the Select Board of the allegations as necessary. A confidential investigation will be undertaken immediately under the direction of the Town Manager.

The matter will be discussed separately with the accuser and the alleged offender, informally, in an attempt to mediate and/or resolve the matter. If warranted, immediate action will be taken to separate the affected individuals from further contact in the working environment to the extent possible.

## **STEP 2**

If the matter cannot be resolved informally, the individual alleging sexual harassment or any other form of discriminatory harassment will be informed that in order to pursue the complaint further, they should complete the attached complaint form specifically outlining the nature of the complaint or request verbally that the complaint be further pursued. The completion of a written complaint form is preferred but is strictly optional.

If the matter must be pursued further, Town Counsel will be notified.

## **STEP 3**

Within 48 hours after receiving the request to further investigate the complaint, the alleged offender will meet with the Town Manager, or designee and be informed of:

- a. The charge being made,
- b. Town policy regarding sexual harassment, and
- c. The seriousness of the charge.

The respondent will be provided with a copy of the complaint, if submitted, and given the opportunity to address the allegation by responding in writing on the complaint form or verbally, whichever is desired.

#### **STEP 4**

The Town Manager, or designee, shall investigate the allegations. This investigation may include, but is not limited to:

- a. Interviews with respondent/complainant,
- b. Interviews with supervisor,
- c. Interviews with witnesses, and
- d. Review of any documentation on file.

Within two (2) weeks of the receipt of a complaint, or as soon as reasonably possible, the investigator, if applicable, will report the findings and recommendations to the Town Manager, who, in turn, will inform the Select Board. The Town Manager will determine the action to be taken based upon the facts on a case-by-case basis with whatever consultation may be required. If after appropriate investigation, the allegations are shown to be false, the Town Manager will determine what, if any, action will be taken with either party. If warranted, the Town Manager will determine the action and whether or not disciplinary action will be taken against the individual who alleged the false complaint.

Appeal of any disciplinary action taken by the Town Manager will follow the procedures outlined in Article XVI of the Town of Truro's Personnel Bylaw.

Any retaliatory action by an employee against any other employee as a result of an individual's seeking redress under this procedure is prohibited and shall be regarded as a separate and distinct cause for complaint under this procedure, and as a basis for disciplinary action against the offending employee.

**THIS IS A GUIDELINE FOR INVESTIGATING AND ADDRESSING SEXUAL HARASSMENT COMPLAINTS AND ANY OTHER FORM OF DISCRIMINATORY HARASSMENT; THEY NEED NOT FOLLOW THE STEPS OUTLINED, AND DEVIATIONS ARE ALLOWED TO FIT THE INDIVIDUAL FACTS OF EACH CASE.**

**SEXUAL HARASSMENT AND ANY OTHER FORM OF  
DISCRIMINATORY HARRASSMENT COMPLAINT FORM  
COMPLAINANT'S REPORT (OPTIONAL)**

Complainant's Name: \_\_\_\_\_

Complainant's Position/Department: \_\_\_\_\_

Alleged Offender's Name: \_\_\_\_\_

Alleged Offender's Position/Department: \_\_\_\_\_

Date and Time of Alleged Incident: \_\_\_\_\_

Nature of Alleged Incident: (Include a description of what happened, any relevant details to the incident, etc.)

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Name and Position of Any Witnesses to the Alleged Incident:

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Is this the first time the alleged incident has been reported? (Circle one) Yes No

If not, when and to whom was the incident first reported?

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received By/Position: \_\_\_\_\_ Date: \_\_\_\_\_

**SEXUAL HARASSMENT AND ANY OTHER FORM OF  
DISCRIMINATORY HARRASSMENT COMPLAINT FORM  
ALLEGED OFFENDER'S RESPONSE (OPTIONAL)**

Alleged Offender's Name: \_\_\_\_\_

Alleged Offender's Position/Department: \_\_\_\_\_

Date and Time of Alleged Incident: \_\_\_\_\_

Response to Complainant's Allegation: (Include a description of what happened, any relevant details to the incident, etc.)

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Name and Position of Any Witnesses to the Alleged Incident:

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received By/Position: \_\_\_\_\_ Date: \_\_\_\_\_



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

**Tel: 508-349-7004, Fax: 508-349-5505**

## Town Manager's Office

# MEMORANDUM

**TO: All Employees and Board/ Committee Members \***

**FROM:** Kelly Clark, Assistant Town Manager

**SUBJECT: Sexual Harassment Policy Receipt**

DATE: October 2, 2017

In accordance with MGL, the yearly distribution of Policy 19: Sexual Harassment Policy is attached. If you have any questions on the policy, please do not hesitate to contact me.

Please sign below to acknowledge your receipt of the policy and return the form only to your department head or Noelle Scoullar/ Nicole Tudor at the Town Hall. Thank you.

\*(for purposes of this requirement, all Board/Committee members are considered "Employees.")

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