

# **TOWN OF ORFORD**

## **COMPLAINT/INVESTIGATION POLICY**

### **SECTION I: PURPOSE**

This policy is to ensure that all individuals interacting with the Town of Orford are afforded an opportunity to have alleged Town employee misconduct or unsatisfactory service reviewed in accordance with Town policies. All complaints against town employees will be addressed through an impartial investigation in a prompt, courteous, and positive manner. In doing so, the Town can identify deficiencies, ensure proper corrective action is taken when necessary, and protect employees from unwarranted criticism in performing their respective job duties in an approved manner.

### **SECTION II: GENERAL INFORMATION**

Complaints or concerns can range from individual employee performance or nonperformance to an overall level of service delivery. The Selectboard as well as supervisory personnel will attempt to resolve complaints in each department. As necessary, however, the Town Attorney shall be consulted.

Any individual who wants to submit an official complaint to the Town of Orford must provide it in writing using the Town's complaint form to state the nature of the complaint. The complaint must include their name, address, telephone number, and if applicable an email address, for the Town to process the complaint and respond accordingly. Anonymous complaints will not be accepted for consideration. The official complaint form can be found on the [www.Orfordnh.us](http://www.Orfordnh.us) webpage, Selectboard Tab, under documents. The complaint form can be filed in person, via electronic mail or standard mail. Complaints should be submitted to the Selectboard's Administrative Assistant.

When an official complaint has been received it will be date stamped and forwarded to the Selectboard for first review at their next regular meeting and subsequent action based on the nature of the complaint. In the event of an urgent issue, the complaint may be acted on by the Selectboard in a work session or an emergency board meeting.

The Selectboard minutes for its first review at a public meeting will reflect and identify only the incident topic of the complaint received, and the person filing the complaint. The Selectboard may choose not to take action during its first review meeting. Selectboard discussions believed to involve only issues involving Town employees or which otherwise involve subjects appropriate for a non-public session under RSA 91-A will be done in non-public sessions for its first review, any subsequent reviews, and on its investigative results. A determination of the disposition of each complaint shall be reported at a Selectboard public meeting.

### **SECTION III: COMPLAINTS**

It shall be the policy of the Selectboard to investigate complaints thoroughly and as expeditiously as possible. Regardless of impact each complaint will be regarded as an opportunity to examine our services at the point of contact. Unless a complainant requests "no contact", the Selectboard will notify the complainant within forty-eight (48) hours after the Selectboard's first review meeting to inform the complainant that their concern is being investigated. The complainant will also be informed of an estimated disposition date as circumstances permit.

Please note: Complaints regarding the alleged misconduct of any Police Department personnel will be referred to the Police Chief to be handled pursuant to the requirements in RSA 106-L. Complaints regarding the Police Chief will be handled by the Selectboard pursuant to RSA 106-L:21. These complaints are not otherwise subject to this Policy.

#### **SECTION IV: TOWN EMPLOYEE COMPLAINT INVESTIGATION**

All investigations shall adhere to the following minimum guidelines:

- A. Assign the complaint to an investigator
- B. Upon initial contact with complainant, the investigator will inform the complainant of their name and title
- C. The investigator will explain to the complainant that the Town takes all complaints seriously and will review the matter completely. Further, she or he will explain that the process will be handled administratively in accordance with Town policies concerning personnel matters and, as such, the disposition of the complaint, investigation records, and any actions taken in regard to an employee are considered confidential personnel records.
- D. The investigator will restate the complaint to confirm a mutual understanding of the complaint.
- E. The investigator will attempt to reconcile any discrepancies of understanding about the complaint.
- F. The investigator will inform each individual being complained about with the substance of the complaint including the name of the complainant and ask them to provide a response in writing. Timeline for response – within an agreed upon time frame, if there is no response within the agreed upon timeframe, the respondent shall be considered to be in default and will accept results without recourse.
- G. After receipt of the written response, the investigator will interview any individuals involved, as the investigator deems necessary, and document the content of the interview. During the interview, they will discuss and try to clarify any potential discrepancies.
- H. The investigator will attempt to interview any witnesses.

#### **SECTION V: SERVICE-RELATED COMPLAINT INVESTIGATIONS**

The Selectboard chooses a member to deal with the complaint. The assigned Selectboard member will:

- A. Upon initial contact with complainant, identify herself or himself by name and title.
- B. Explain to the complainant that the Town takes all complaints seriously and will review it as completely as possible under the circumstances.
- C. Restate the complaint to confirm mutual understanding of the complaint and attempt to reconcile any discrepancies.
- D. Review the complaint with the head of the involved Department involved, e.g., Highway, Administration, Fire or Police, and discuss a plan to resolve the issue.

## **SECTION VI: DISPOSITION**

After consideration of the information obtained by the investigator or Selectboard member assigned to the complaint, the Selectboard will review it and make one of the following determinations:

- Unfounded - The alleged complaint did not occur.
- Exonerated - The act occurred but was justified, lawful and proper.
- Not Sustained - The investigation produced information which was insufficient to prove or disapprove the allegations.
- Sustained - All or part of the allegations occurred. A finding of “Sustained” is based on the existence of substantial facts supporting reasonable proof.

## **SECTION VII: RESPONSE TO COMPLAINANT**

For service-related complaints, the Selectboard shall document a plan of action to resolve the issue. The Selectboard may also determine if additional training is needed to prevent the issue re-occurring. The Selectboard’s determination will be filed with the complaint among the Town’s records. The complainant will be notified in writing of the outcome. Any action taken will be reported at a public Selectboard meeting.

For complaints about a Town employee, the Selectboard will document any actions taken to investigate the complaint and the facts of the matter, including the statements of the Town employees involved, all of which shall be attached to the Town’s complaint form. The Selectboard’s determination will be documented and filed with the complaint among the Town’s records. The complainant will be notified of the disposition, but not any action taken. Any reprimands or other documentation added to Town Employees’ personnel files is considered confidential and will not be shared with the complainant. The disposition of the complaint will be reported at a Selectboard public meeting.

## **SECTION VIII: AMENDMENTS:**

This policy may from time to time be amended by the vote of the Selectboard at a regularly scheduled meeting. Notice of proposed changes shall be posted in at least two (2) public places, one of which must be the Town Office, at least 14 days from the date of the meeting.

## **SECTION IX: EFFECTIVE DATE:**

This policy shall be effective upon a vote of the Board.

Adopted by the Orford Selectboard on this 27<sup>th</sup> day of December 2023

John Adams, Selectboard Chair \_\_\_\_\_

Kevin Follensbee, Selectboard Member \_\_\_\_\_

P. Chase Kling, Selectboard Member \_\_\_\_\_