

TOWN OF DENNIS SELECT BOARD



Guiding Principles for Boards, Committees, and Commissions

Committee Handbook



SELECT BOARD

DENNIS, MASSACHUSETTS

Thank you for your service to the Town of Dennis!

Your service as an appointed member of a board, committee, commission, or council, is the driving force behind local government. The members who serve on these boards and committees are an essential part of running an effective and efficient local government.

The purpose of this handbook is to assist the many boards, commissions, and committees of the Town. The handbook provides a general description of procedures and summaries of important state statutes that govern the conduct of committees and their members such as the Open Meeting Law and Conflict of Interests Law. Official full-text versions of these and other governing bylaws may be accessed through the links on the Town of Dennis website and enclosed within this document. The Town website also offers links to important documents such as the Town Code/Bylaws, plus the minutes and video recording (where applicable) of past committee meetings.

The Select Board is deeply grateful to all who are willing to serve as a member of the government of the Town of Dennis.

Approved by the Dennis Select Board 10/20/2020.

Christopher Flanagan, Chair
John Terrio, Vice-Chair
Sheryl McMahan
Christopher Lambton
Paul McCormick

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COMMITTEES, COMMISSIONS AND BOARDS

The following Committees are advisory committees appointed by the Select Board:

- 1867 West Dennis Graded School House Committee
- Advisory Committee on Disabilities
- Agricultural Commission
- Alternative Energy Committee
- Arts and Culture Council
- Beach Committee
- Beach Management Advisory Task Force
- Board of Assessors
- Cape Cod Commission
- Cape Cod Joint Transportation Committee
- Capital Outlay Committee
- Caretakers of Veterans Graves
- Cemetery Advisory Committee
- Community Preservation Committee
- Council on Aging Board
- Dennis Housing Authority
- Dennis Port Revitalization Committee
- Donald Trepte Scholarship Committee
- Economic Development Committee
- Golf Advisory Committee
- Historical Commission
- Human Services Advisory Committee
- Jericho Committee
- Josiah Dennis Manse Committee
- Library Board
- Municipal Affordable Housing Trust
- Recreation Committee
- Road Safety Task Force
- Sesuit Harbor Study Committee
- Shellfish Commission
- Solid Waste & Recycling Committee
- South Dennis Historic District Committee
- Substance Use Disorder Advisory Council
- Tourism Committee
- Town Building Committee
- Wastewater Implementation Committee
- Water Quality Advisory Committee
- Waterways Commission
- Zoning Bylaw Study Committee

The following committees are elected:

- Select Board
- School Committee
- Old Kings Highway Committee (one architect/builder member is appointed by the Select Board)

The following committee is appointed by the Moderator:

- Finance Committee

The following boards, committees or commissions have been granted Special Municipal Status:

- Finance Committee
- Waterways Commission
- Beach Committee
- Parks Commissioners / Select Board
- Conservation Commission
- Economic Development Committee
- Planning Board
- Board of Health
- Zoning Board of Appeals

DEFINITIONS

Committee - is used herein to refer to any Board, Committee, Commission, Council or Task Force however constituted by election or appointment.

Regulatory Boards - A regulatory board is a public authority is responsible for exercising autonomous authority over certain town, state and federal regulations. Regulatory authorities are commonly set up to enforce safety and standards for the protection of all Dennis residents and visitors. Regulatory Boards deal in the areas of administrative law, regulatory law, rulemaking and codifying and enforcing rules and regulations and imposing supervision or oversight for the benefit of the public at large.

Advisory Committees - Advisory Committees consists of volunteer citizens from the community. Advisory Committees add to the deliberative quality of our democracy by involving everyday citizens in political processes that help shape policies. These individuals bring unique knowledge and skills to their committee's work in order to advise the Select Board to more effectively guide and manage the Town of Dennis.

Liaison - Each year, the Select Board votes to assign each Member of the Select Board to be a liaison to several Town boards and committees. The duty of the liaison is to maintain communication with the board or committee, review its minutes, and keep updated on issues of concern. The liaison is not expected to attend the meetings, but may do so; nor is the liaison an *ex officio* member. The Select Board recommends that the board or committee chairperson report regularly to its liaison about the board or committee's actions and plans so that the liaison can keep the Select Board updated.

Special Municipal Employee - "Special municipal employee" status can be assigned to certain municipal positions by a vote of the Select Board. Several specific municipal positions are automatically designated as "special" under the law. It is the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees." For instance, one member of a school committee cannot be classified as a "special" unless all members are similarly classified. Please see <https://mass.gov/service/details/special-municipal-employees>. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded. A list of all the "special municipal employee" positions should be on file at the town office. The Legislature may also designate certain positions to have "special municipal employee" status. For example, board members and part-time employees of local housing and redevelopment authorities are defined by law as "special municipal employees" and do not need to have local authorities approve their designation as "specials." (See G.L. c. 121B, section 7.)

OATH

Prior to serving on any committee, newly elected and appointed board and committee members must take the oath office as required by Mass. General Law (MGL) Chapter 41, §107. In Dennis,

it is the responsibility of the Town Clerk to swear in new members. Please make arrangements for taking the oath and signing the Statement of Commitment with the Town Clerk, at (508) 760-6112.

REAPPOINTMENTS

Reappointments are at the discretion of the Select Board in accordance with their policy as they may adopt. Persons reappointed are reminded of the requirement to take the oath for any additional terms of appointment.

RESIGNATIONS AND FILLING VACANCIES

In the event a person is unable to meet the obligations of the term, or responsibilities on the Committee, they are encouraged to resign from that committee. A notice of resignation shall be sent to the Committee Chair and to the appropriate appointing authority.

BOARD, COMMITTEES AND COMMISSIONS

For a table of all Boards, Committees and Commissions, please see Appendix C.

ORGANIZATION OF BOARDS, COMMITTEES AND COMMISSIONS

Election of Officers

Committees and boards shall annually elect a chairperson, vice-chairperson and a secretary or a clerk. Newly formed boards or committees should elect these officers at their first meeting. Ongoing boards or committees should elect officers at the first meeting on or after their May/June term renewal, or at such time after Town Meeting is customary. It is the responsibility of the chairperson to notify the appointing authority, the Town Clerk, and the Web Administrator of any changes in membership and officers.

Duties of Officers

The chairperson sets the agenda and presides at all meetings, decides questions of order, calls special meetings, and signs official documents that require the chairperson's signature. The chairperson has the same rights as other members to offer resolutions, make or second motions, discuss questions, and vote thereon.

The vice chairperson acts for the chairperson whenever the latter is absent from meetings, and performs other necessary duties.

The secretary is responsible for taking and transcribing the committee's minutes, scheduling the place, date, and time of meeting and posting the meetings with the Town Clerk and Web Administrator no later than 48 hours before a meeting (excluding Sundays and holidays). The secretary should also check for committee/board mail in the mail boxes at the Town Hall on a regular basis.

MEETINGS

Location

Chairs should contact their staff support, Town Clerk's office or Select Board's office to reserve a room for a meeting. Committee meetings may be held in space other than municipally owned buildings however, they must be buildings open to the public during the time of the meeting and be handicap accessible.

Booking Meeting Rooms

To book meeting rooms at the Town Hall please contact the Town Clerk's office at (508)760-6112 or the Select Board's office at (508)760-6148. These rooms are the Stone Hearing Room, Prue Conference Room, Nickerson Conference Room and the Horton Conference Room.

To book a meeting room at the Library please contact the Library at (508)760-6219.

To book a meeting room at the Police Department please call (508)352-1455.

Agendas

A separate document identifying Meeting Name, Place and Time as well as detailing a list of the items the committee chair reasonably anticipates being discussed at the meeting, including any planned executive session with the stated reason for the executive session. The use of the terms "old business" and "new business" as stand-alone items is not allowed; instead, a detailed description of the new and old business items to be discussed should be listed. Preparing the agenda is the responsibility of the chair. The agenda should be distributed to committee members in sufficient time in advance of the posting for committee member input and review. The Agenda must be submitted to and Date/Time stamped at the Town Clerk's office for posting on the Town of Dennis website, at least 48 hours in advance of the meeting, excluding Saturdays, Sundays, and holidays. Careful attention should be given to the acceptance deadline of agenda postings by the Town Clerk. If the notice and/or agenda is amended within 48 hours of a meeting, not including Saturdays, Sundays and legal holidays, then the date and time the meeting and/or agenda is amended must also be conspicuously recorded on or with the notice.

Minutes

Minutes must be kept for each meeting of a Board, Committee or Commission. The minutes and any meeting back-up material must be filed in the Town Clerk's office and are posted on the Town's website. The Open Meeting law requires every public body to maintain accurate records of its meetings, including the time, date, place of meeting, members present or absent, a signed summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and actions taken at each meeting, including the records of all votes taken in accordance with MGL Ch 30A § 22(a).

Remote Participation

The Office of the Attorney General amended the Open Meeting Law regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While members of Town Boards should make every effort to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing

members to participate remotely when certain specific circumstances prevent them from being physically present. The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards under the Open Meeting Law, M.G.L. c.30A, §§18-25.

Please see Appendix C for the complete policy.

Attendance

Volunteers who accept appointments to committees accept a responsibility to regularly attend scheduled meetings. Without regular attendance, the business of committees and, by extension, the Town, cannot be conducted effectively or efficiently. Recognizing that some absences will inevitably occur, habitual, repeated or consistent absence are not acceptable. To better serve the interests of the Town, the following guidelines are established for committees appointed by the Select Board:

Missing three consecutive meetings or five meetings in any 12-month period, may be interpreted that the member no longer wants or is unable to commit the time necessary to continue serving and as such they may be asked to resign or not be reappointed.

The committee chairs are responsible for providing attendance records of members to the Select Board annually. In order to promote transparency and fairness, and notwithstanding the annual attendance report, the committee chair shall advise the Select Board of any attendance issues.

If a committee member has appeared to exceed the policy limits in absences, the Select Board liaison and chair of the committee shall meet with the committee member to discuss their attendance record. The results of this meeting shall be reported to the Select Board Chair and at their discretion, may bring the matter before the full Select Board for action which may include a vote to terminate the appointment. If the committee member is unable or unwilling to meet in a timely fashion, it shall be considered a forfeiture of the appointment and it shall be placed on the Select Board's agenda for review and a final determination that, if not adequately explained to the satisfaction of the appointing authority, the committee member's appointment shall be terminated.



Town of Dennis
Code of Conduct for Boards/
Commissions/Committees Policy

BOS Approved	November 19, 2019
BOS Revised	
#SB3	Select Board Policy

Code of Conduct for Boards/Commissions/Committees Policy

I. *Purpose*

The intent of this policy is to establish clear guidelines to serve as the standard for achieving and maintaining a high level of public confidence, trust, and professional respect with regards to how the Town and its officials conduct business. This policy is intended to define and create a centralized policy with regard to standards of conduct.

The Select Board recognizes the importance of professional standards at all levels of government, including those who volunteer their time and services on behalf of the Town. The Board encourages other boards and committees of the Town who are not appointed by the Select Board to adopt this standard by reference, thereby creating a unified Code of Conduct for Town officials.

II. *Applicability*

This policy and all its sections shall apply to the Select Board and to the other boards, presiding officers, public officials, commissioners, and committees, and other representatives of the Town appointed by the Select Board, including those with special municipal employee status.

- The term “the Board” and “the Select Board” shall apply to the Select Board.
- The term “member” shall apply to those appointed by the Select Board.
- The term “official” shall apply to a Select Board member or member appointed by the Select Board.
- The term “appointing authority” shall apply to the Select Board.
- All commission members, committee members, board members, representatives appointed by the Select Board and other officials mentioned in this guideline are subject to this policy, including those with special municipal employee status.

III. *Code of Conduct*

These obligations and commitments shall be assumed by all members of the Board, Committee, or Commission and other officials defined in the Applicability section:

A. Conduct Generally and in Relation to the Community

- Be well informed concerning the local and state duties of a board/committee member.
- Remember that you represent the Town of Dennis at all times.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally, or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interest of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest and/or unlawful.
- Conduct yourself as to maintain public confidence in our local government.
- Conduct official business in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law.
- Comply with all applicable Town policies.
- Comply with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law
 - Public Records Law including all records retention schedules. Do not store originals of public records on your personal electronic device or in any location other than Town offices.
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (M.G.L. c.268A)
 - Special Municipal Employees are reminded that all Open Meeting Law and other regulations of the Commonwealth of Massachusetts and Town of Dennis shall apply. Said status is subject to approval of the Select Board and the statute that governs it.
 - All necessary disclosures required by M.G.L. 268A Section 19 and M.G.L. 268A Section 20 shall be filed with the office of the Town Clerk in a timely manner.

B. Conduct on Social Media

- Board and Committee members using social media platforms (including, but not limited to: Facebook, Twitter, Instagram, YouTube, etc.) are reminded that their online persona reflects their character. Social media is not exempt from Open Meeting Law or Records Retention law. For the purposes of individual board/committee members using social media, please note:
- All board/committee members ("Officials") are expected and required to conduct themselves online in a manner consistent with the Town's policies and standards of conduct.
- Officials must not reveal any confidential or privileged information about the Town, its constituents, or its contractors.
- Officials must not harass others in contravention of the Town's computer use policy, anti-discrimination and harassment policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this policy even if the Town's name or name(s) of any individual is not specifically referenced.
- Officials shall be as honest and accurate as possible when posting information or news. Officials should not use social media to post rumors or conjecture about the Town, its employees, constituents, officials, suppliers, vendors, or contractors.
- Officials may only express their personal opinions and should never represent themselves on social media as a spokesperson for the Town, unless specifically designated to do so.
- It is recommended that officials refrain from providing public opinions on a matter before their Committee, as it could be a violation of Open Meeting Law. Comments include "liking" a post or other similar responses on a social media site.

C. Conduct in Relation to Your Fellow Board/Commission/Committee Members

- Treat all members of the board/commission/committee with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- Recognize your responsibility to attend all meetings of your Committee and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/commission/committee requires written notification to the office of the Town Clerk.
- Recognizes that action at official legal meetings is binding and that you alone cannot bind the board/commission/committee outside of such meetings.

- Wait until a public hearing, whereby one has the opportunity to hear the pros and cons of an issue, prior to making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee/commission
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

D. Conduct in Relation to Town Administration.

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Recognize and support the administrative chain of command.
- Direct questions of Town staff and/or requests for additional background information through the Committee's respective staff or the Town Administrator as applicable and channel instructions or requests for assistance from Town Department Heads through the full Board/Commission/Committee and the Town Administrator.
- The Select Board, and individual committee members, shall refrain from giving direct orders to any Town staff who are under the direction and supervision of the Town Administrator.
- Committee members should refrain from impeding the Town Administrator from discharging his or her responsibilities, and refrain from giving orders or direction to the Town Administrator or attempting to direct the Town Administrator to take any particular action.
- Provide orders or directions to the Town Administrator for action as a Board, rather than as an individual Board member.
- Address any concerns about staff performance to the Town Administrator through private communication, rather than publicly criticizing an individual employee or a department.

USE OF TOWN FACILITIES, STAFF, EQUIPMENT

Town Equipment

Town equipment and facilities may be used for official board or committee business. To arrange for the use of projectors or computers please contact MIS Department at (508)760-6121.

Mail

Most boards and committees are assigned a mail folder in the basement of Town Hall that should be checked on a weekly basis. Board or committee mailing addresses should be the care of the committee at Dennis Town Hall, 685 Route 134, S. Dennis, MA 02660.

COMPLIANCE AND ENFORCEMENT

The Guiding Principles for the Town of Dennis' Boards, Committees, and Commissions: Committee Handbook and Code of Conduct Policy contained therein establish standards of conduct for members of Town Committees. Members themselves have the primary responsibility to assure that these standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Chair of a Committee shall promptly intervene when a member's actions appear to be in violation of the Guiding Principles or the Code of Conduct. Additionally, the Select Board has the following procedures regarding complaints against committees or committee members.

- A. Complaints alleging a violation of the Guiding Principles for the Town of Dennis' Boards, Committees, and Commissions: Committee Handbook and/or Code of Conduct by a Committee or a Committee member(s) shall be submitted to the office of the Select Board, with a copy of the Complaint provided to each member of the Select Board. The Board shall not discuss the Complaint outside the course of a properly posted meeting. Complaints shall be kept confidential to the extent permitted by law. The Board shall not disclose the Complaint to any third parties except as required by law.
- B. The Select Board Chair, the Select Board's liaison to the involved Committee, and the Committee Chair may meet to discuss the Complaint. The Chair of the Committee shall not participate in this meeting if the Chair is the subject of the Complaint. In the event the Complaint was filed by either the Chair of the Board or the Board's liaison to the Committee, the Vice Chair of the Board shall conduct this meeting regarding the Complaint. The Board Chair, or the Vice Chair, in the absence of the Chair, shall take minutes of the meeting, which shall be approved by the meeting's attendees.
- C. Following the preliminary meeting outlined in Section B, above, the full Board will hold a meeting with the Committee Member who is the subject of the complaint. The meeting may be held in Executive Session pursuant to G.L. c. 30A, § 21(a)(1) "To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual." The individual to be discussed in such executive session shall be notified in writing by the

public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.

D. The handling of all complaints shall be in strict conformance with the rights of the affected parties, including the rights of privacy and due process.

E. Penalties/Removal Proceedings

- Any appointed official found to have violated the Guiding Principles including the Code of Conduct may, after a hearing, be reprimanded, suspended, or removed from the appointed position, subject to any procedures set forth in the General laws applicable to the position. In addition, the Select Board may take into account any violations if the Committee Member is seeking reappointment or appointment to another appointed position in the Town.
- If an elected official is found to have violated the Guiding Principles, including the Code of Conduct, the member may be subject to a vote of censure or disapproval by the Select Board.
- Elected officials are reminded that the Town of Dennis has a procedure for the recall of elected officials under Chapter 21 of the Acts of 1989.

DISTRIBUTION AND EDUCATION

- The office of the Town Clerk or alternatively, Administration, shall provide a copy of the Guiding Principles for the Town of Dennis' Boards, Committees, and Commissions: Committee Handbook to all members as defined in the applicability section of the Code of Conduct upon its issuance and upon the subsequent appointment or re-appointment of any member.
- The office of the Town Clerk or alternatively, Administration, shall also maintain and distribute educational materials from the State Ethics Commission to members.
- The office of the Town Clerk or alternatively, Administration, shall develop a schedule of training programs and distribute educational materials to educate the Board, members, and officials on the Conflict of Interest Law and with the goal of ensuring compliance with said Law and with State-mandated online training.
- The office of the Town Clerk or alternatively, Administration, shall keep and maintain records of the Guiding Principles for the Town of Dennis' Boards, Committees, and Commissions: Committee Handbook. Each member shall sign a statement that they have read these Guiding Principles and will comply with all requirements set forth in the Guiding Principles; this form shall be available for the public upon request. In the event that any member declines to sign the form, that fact shall be noted on the form.

APPENDIX A

CONFLICT OF INTEREST

Conflict of Interest and Disclosure

The mission of the State Ethics Commission is to foster integrity in public service in state, county and local government, to promote the public's trust and confidence in that service, and to prevent conflicts between private interests and public duties.

The conflict of interest law applies to state, county, municipal employees and committee members. In addition, if you provide services to the state or to a county or municipal government, you may be subject to the conflict of interest law. The conflict of interest law addresses circumstances where public employees' private business, family or other interests conflict with their public responsibilities. The financial disclosure law requires elected state and county officials and state and county employees in "major policy-making positions" to annually disclose their private financial interests on forms submitted to the Commission.

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 Select Board 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 Select Board 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 Select Board, 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. Members of the Select Board in towns of 10,000 or fewer are automatically "special"; member of the Select Board 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 member of the Select Board 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/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.

Version 7: Revised November 14, 2016.

APPENDIX B

OPEN MEETING LAW

940 CMR: OFFICE OF THE ATTORNEY GENERAL

940 CMR 29.00: OPEN MEETINGS

Section 29.01: Purpose, Scope and Other General Provisions

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29.01: Purpose, Scope and Other General Provisions

(1) Purpose. The purpose of 940 CMR 29.00 is to interpret, enforce and effectuate the purposes of the Open Meeting Law, M.G.L. c. 30A, §§ 18 through 25.

(2) Severability. If any provision of 940 CMR 29.00 or the application of such provision to any person, public body, or circumstances shall be held invalid, the validity of the remainder of 940 CMR 29.00 and the applicability of such provision to other persons, public bodies, or circumstances shall not be affected thereby.

(3) Mailing. All complaints, notices (except meeting notices), and other materials that must be sent to another party shall be sent by one of the following means: first class mail, email, hand delivery, or by any other means at least as expeditious as first-class mail.

29.02: Definitions

As used in 940 CMR 29.00, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

County Public Body means a public body created by county government with jurisdiction that comprises a single county.

District Public Body means a public body with jurisdiction that extends to two or more municipalities.

Emergency means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

Intentional Violation means an act or omission by a public body or a member thereof, in knowing violation of M.G.L. c. 30A, §§ 18 through 25. Evidence of an intentional violation of M.G.L. c. 30A, §§ 18 through 25 shall include, but not be limited to, that the public body or public body member:

- (a) acted with specific intent to violate the law;
- (b) acted with deliberate ignorance of the law's requirements; or
- (c) was previously informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08, that the conduct violates M.G.L. c. 30A, §§ 18 through 25. Where a public body or public body member has made a good faith attempt at compliance with the law, but was reasonably mistaken about its requirements, such conduct will not be considered an intentional violation of M.G.L. c. 30A, §§ 18 through 25.

Person means all individuals and entities, including governmental officials and employees. Person does not include public bodies.

Post Notice means to place a written announcement of a meeting on a bulletin board, electronic display, website, or in a loose-leaf binder in a manner conspicuously visible to the public, including persons with disabilities, at all hours, in accordance with 940 CMR 29.03.

Public Body has the identical meaning as set forth in M.G.L. c. 30A, § 18, that is, a multiple member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

Qualification for Office means the election or appointment of a person to a public body and the taking of the oath of office, where required, and shall include qualification for a second or any subsequent term of office. Where no term of office for a member of a public body is specified, the member shall be deemed to be qualified for office on a biennial basis following appointment or election to office.

Regional Public Body means a public body with jurisdiction that extends to two or more municipalities.

Remote Participation means participation by a member of a public body during a meeting of that public body where the member is not physically present at the meeting location.

29.03: Notice Posting Requirements

- (1) Requirements Applicable to All Public Bodies.

(a) Except in an emergency, public bodies shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting, excluding Saturdays, Sundays and legal holidays, in accordance with M.G.L. c. 30A, § 20. In an emergency, the notice shall be posted as soon as reasonably possible prior to such meeting.

(b) Meeting notices shall be printed or displayed in a legible, easily understandable format and shall contain the date, time and place of such meeting, and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.

(c) Notices posted under an alternative posting method authorized by 940 CMR 29.03(2) through (5) shall include the same content as required by 940 CMR 29.03(1)(b). If such an alternative posting method is adopted, the municipal clerk, in the case of a municipality, or the body, in all other cases, shall file with the Attorney General written notice of adoption of the alternative method, including the website address where applicable, and any change thereto, and the most current notice posting method on file with the Attorney General shall be consistently used.

(d) The date and time that a meeting notice is posted shall be conspicuously recorded thereon or therewith. If an amendment occurs within 48 hours of a meeting, not including Saturdays, Sundays, and legal holidays, then the date and time that the meeting notice is amended shall also be conspicuously recorded thereon or therewith.

(2) Requirements Specific to Local Public Bodies.

(a) The official method of posting notice shall be by filing with the municipal clerk, or other person designated by agreement with the municipal clerk, who shall post notice of the meeting in a manner conspicuously visible to the public at all hours in, on, or near the municipal building in which the clerk's office is located.

(b) Alternatively, the municipality may adopt the municipal website as the official method of notice posting.

1. The Chief Executive Officer of the municipality, as defined in M.G.L. c. 4, § 7, must authorize or, by a simple majority, vote to adopt the municipal website as the official method of posting notice. Any municipality that has adopted its website as the official method of posting notice by another method as of October 6, 2017 will have satisfied the adoption requirement.

2. If adopted, a description of the website as the notice posting method, including directions on how to locate notices on the website, shall be posted in a manner conspicuously visible to the public at all hours on or adjacent to the main and handicapped accessible entrances to the municipal building in which the clerk's office is located.

3. Once adopted as the official method of notice posting, the website shall host the official legal notice for meetings of all public bodies within the municipality.

4. Notices must continue to be filed with the municipal clerk, or any other person designated by agreement with the municipal clerk.

(c) A municipality may have only one official notice posting method for the purpose of M.G.L. c. 30A, §§ 18 through 25, either 940 CMR 29.03(2)(a) or (b).

However, nothing precludes a municipality from choosing to post additional notices via other methods, including a newspaper. Such additional notice will not be the official notice for the purposes of M.G.L. c. 30A, §§ 18 through 25.

(d) Copies of notices shall also be accessible to the public in the municipal clerk's office during the clerk's business hours.

(3) Requirements Specific to Regional or District Public Bodies.

(a) Notice shall be filed and posted in each city and town within the region or district in the manner prescribed for local public bodies in that city or town.

(b) As an alternative method of notice, a regional or district public body may, by majority vote, adopt the regional or district public body's website as its official notice posting method. A copy of each meeting notice shall be kept by the chair of the public body or the chair's designee in accordance with the applicable records retention schedules. The public body shall file and post notice of the website address, as well as directions on how to locate notices on the website, in each city and town within the region or district in the manner prescribed for local public bodies in that city or town.

(4) Requirements Specific to Regional School Districts.

(a) The secretary of the regional school district committee shall be considered to be its clerk. The clerk of the regional school district committee shall file notice with the municipal clerk of each city and town within such district and each such municipal clerk shall post the notice in the manner prescribed for local public bodies in that city or town.

(b) As an alternative method of notice, a regional school district committee may, by majority vote, adopt the regional school district's website as its official notice posting method. A copy of each meeting notice shall be kept by the secretary of the regional school district committee or the secretary's designee in accordance with the applicable records retention schedules. The regional school district committee shall file and post notice of the website address, as well as directions on how to locate notices on the website, in each city and town within the region or district in the manner prescribed for local public bodies in that city or town.

(5) Requirements Specific to County Public Bodies.

(a) Notice shall be filed and posted in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for this purpose.

(b) As an alternative method of notice, a county public body may, by majority vote, adopt the county public body's website as its official notice posting method. A copy of the notice shall be kept by the chair of the county public body or the chair's designee in accordance with the applicable records retention schedules. The county public body shall file and post notice of the website address, as well as directions on how to locate notices on the website, in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for this purpose.

(6) Requirements Specific to State Public Bodies. Notice shall be posted on a website. A copy of each notice shall also be sent by first class or electronic mail to the Secretary of

the Commonwealth's Regulations Division. The chair of each state public body shall notify the Attorney General in writing of its webpage for listing meeting notices and any change to the webpage location. The public body shall consistently use the most current website location on file with the Attorney General. A copy of the notice shall be kept by the chair of the state public body or the chair's designee in accordance with the applicable records retention schedules.

(7) Websites. Where a public body adopts a website as its method of noticing meetings, it must make every effort to ensure that the website is accessible to the public at all hours. If a website becomes inaccessible to members of the public within 48 hours of a meeting, not including Saturdays, Sundays, and legal holidays, the municipal clerk or other individual responsible for posting notice to the website must restore the website to accessibility within six hours of the time, during regular business hours, when such individual discovers that the website has become inaccessible. In the event that the website is not restored to accessibility within six business hours of the website's deficiency being discovered, the public body must re-post notice of its meeting for another date and time in accordance with M.G.L. c. 30A, § 20(b).

29.04: Certification

(1) For local public bodies, the municipal clerk, and for all other public bodies, the appointing authority, executive director, or other appropriate administrator or their designees, shall, upon a public body member's qualification for office, either deliver to the public body member, or require the public body member to obtain from the Attorney General's website, the following educational materials:

(a) The Attorney General's Open Meeting Law Guide, which will include an explanation of the requirements of the Open Meeting Law; the Open Meeting Law, M.G.L. c. 30A, §§ 18 through 25; and the Attorney General's regulations, 940 CMR 29.00-29.11.

(b) A copy of each Open Meeting Law determination issued to that public body by the Attorney General within the last five years in which the Attorney General found a violation of M.G.L. c. 30A, §§ 18 through 25. Open Meeting Law determinations are available at the Attorney General's website.

(2) Educational materials may be delivered to public body members by paper copy or in digital form.

(3) Within two weeks after receipt of the educational materials, the public body member shall certify, on the form prescribed by the Attorney General, receipt of the educational materials. The municipal clerk, appointing authority, executive director or other appropriate administrator, or their designees, shall maintain the signed certification for each such person, indicating the date the person received the materials.

(4) An individual serving on multiple public bodies must sign a certification for each public body on which he or she serves. A public body member does not need to sign a separate certification when joining a subcommittee of the public body.

(5) A public body member must sign a new certification upon reelection or reappointment to the public body.

29.05: Complaints

(1) All complaints shall be in writing, using the form approved by the Attorney General and available on the Attorney General's website. A public body need not, and the Attorney

General will not, investigate or address anonymous complaints. A public body need not address a complaint that is not signed by the complainant. A public body need not address a complaint that is not filed using the Attorney General's complaint form.

(2) Public bodies, or the municipal clerk in the case of a local public body, should provide any person, on request, with an Open Meeting Law Complaint Form. If a paper copy is unavailable, then the public body should direct the requesting party to the Attorney General's website, where an electronic copy of the form will be available for downloading and printing.

(3) For local public bodies, the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body. The complainant shall also file a copy of the complaint with the municipal clerk, who shall keep such filings in an orderly fashion for public review on request during regular business hours. For all other public bodies, the complainant shall file the complaint with the chair of the relevant public body, or if there is no chair, then with the public body.

(4) The complaint shall be filed within 30 days of the alleged violation of M.G.L. c. 30A, §§ 18 through 25, or if the alleged violation of M.G.L. c. 30A, §§ 18 through 25, could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered.

(5) Within 14 business days after receiving the complaint, unless an extension has been granted by the Attorney General as provided in 940 CMR 29.05(5)(b), the public body shall meet to review the complaint's allegations; take remedial action, if appropriate; and send to the complainant a response and a description of any remedial action taken. The public body shall simultaneously notify the Attorney General that it has sent such materials to the complainant and shall provide the Attorney General with a copy of the complaint, the response, and a description of any remedial action taken.

(a) Any remedial action taken by the public body in response to a complaint under 940 CMR 29.05(5) shall not be admissible as evidence that a violation occurred in any later administrative or judicial proceeding against the public body relating to the alleged violation.

(b) If the public body requires additional time to resolve the complaint, it may obtain an extension from the Attorney General by submitting a written request within 14 business days after receiving the complaint. A request may be submitted by the chair, the public body's attorney, or any person designated by the public body or the chair. The Attorney General will grant an extension if the request demonstrates good cause. Good cause will generally be found if, for example, the public body cannot meet within the 14-business day period to consider proposed remedial action. The Attorney General shall notify the complainant of any extension and the reason for it.

(6) If the public body needs additional information to resolve the complaint, then the chair may request it from the complainant within seven business days of receiving the complaint. The complainant shall respond within ten business days after receiving the request. The public body will then have an additional ten business days after receiving the complainant's response to review the complaint and take any remedial action pursuant to 940 CMR 29.05(5).

(7) If at least 30 days have passed after the complaint was filed with the public body, and if the complainant is unsatisfied with the public body's resolution of the complaint, the

complainant may file a complaint with the Attorney General. When filing a complaint with the Attorney General, the complainant shall include a copy of the original complaint along with any other materials the complainant believes are relevant. The Attorney General shall decline to investigate complaints filed with the Attorney General more than 90 days after the alleged violation of M.G.L. c. 30A, §§ 18 through 25, or if the alleged violation of M.G.L. c. 30A, §§ 18 through 25, could not reasonably have been known at the time it occurred, then within 90 days of the date it should reasonably have been discovered. However, this time may be extended if the Attorney General grants an extension to the public body to respond to a complaint or if the complainant demonstrates good cause for the delay in filing with the Attorney General.

(8) The Attorney General shall acknowledge receipt of all complaints and will resolve them within a reasonable period of time, generally 90 days.

(9) Mediation to Resolve a Complaint.

(a) If a complainant files five complaints alleging violations of M.G.L. c. 30A, §§ 18 through 25, with the same public body or within the same municipality within 12 months, upon the fifth or subsequent complaint to that public body or a public body within that municipality within the 12-month period, the public body may request mediation with the complainant, at the public body's expense, to resolve the complaint. A mediator is defined by M.G.L. c. 233, § 23C, and will be selected by the Attorney General.

(b) A public body must request mediation prior to, or with, its response to the complaint. If the mediation does not produce an agreement, the public body will have ten business days from the last joint meeting with the mediator to respond to the complaint.

(c) A public body may participate in mediation in open session, in executive session through M.G.L. c. 30A, § 21(a)(9), or by designating a representative to participate on behalf of the public body.

(d) If the complainant declines to participate in mediation after a public body's request in accordance with 940 CMR 29.05(9)(a), the Attorney General may decline to review the complaint if it is thereafter filed with the Attorney General.

(e) If the mediation does not resolve the complaint to the satisfaction of both parties, then the complainant may file a copy of his or her complaint with the Attorney General and request the Attorney General's review. The complaint must be filed with the Attorney General within 30 days of the last joint meeting with the mediator.

(f) Any written agreement reached in mediation shall become a public record in its entirety and must be publicly disclosed at the next meeting of the public body following execution of the agreement.

(g) Nothing in this section shall prevent a complainant from filing subsequent complaints, however public bodies may continue to request mediation in an effort to resolve complaints in accordance with 940 CMR 29.05(9)(a).

(h) Nothing in this section shall prevent a public body or complainant from seeking mediation to resolve any complaint. However, only mediation requests that follow the requirements of 940 CMR 29.05(9)(a) will trigger the application of 940 CMR 29.05(9)(d).

29.06: Investigation

Following a timely complaint filed pursuant to 940 CMR 29.05, where the Attorney General has reasonable cause to believe that a violation of M.G.L. c. 30A, §§ 18 through 25, has occurred, then the Attorney General may conduct an investigation.

(1) The Attorney General shall notify the public body or person that is the subject of a complaint of the existence of the investigation within a reasonable period of time. The Attorney General shall also notify the public body or person of the nature of the alleged violation.

(2) Upon notice of the investigation, the subject of the investigation shall provide the Attorney General with all information relevant to the investigation. The subject may also submit a memorandum or other writing to the Attorney General, addressing the allegations being investigated.

If the subject of the investigation fails to voluntarily provide the necessary or relevant information within 30 days of receiving notice of the investigation, the Attorney General may issue one or more civil investigative demands to obtain the information in accordance with M.G.L. c. 30A, § 24(a), to:

(a) Take testimony under oath;

(b) Examine or cause to be examined any documentary material; or

(c) Require attendance during such examination of documentary material by any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material.

Any documentary material or other information produced by any person pursuant to 940 CMR 29.06 shall not, unless otherwise ordered by a court of the Commonwealth for good cause shown, be disclosed without that person's consent by the Attorney General to any person other than the Attorney General's authorized agent or representative. However, the Attorney General may disclose the material in court pleadings or other papers filed in court; or, to the extent necessary, in an administrative hearing or in a written determination to resolve the investigation pursuant to 940 CMR 29.07.

29.07: Resolution

(1) No Violation. If the Attorney General determines, after investigation, that M.G.L. c. 30A, §§ 18 through 25, has not been violated, the Attorney General shall issue a written determination to the subject of the complaint and copy any complainant.

(2) Violation Resolved Without Hearing. If the Attorney General determines after investigation that M.G.L. c. 30A, §§ 18 through 25, has been violated, the Attorney General may resolve the investigation without a hearing. The Attorney General shall determine whether the relevant public body, one or more of its members, or both, were responsible. The Attorney General will notify, in writing, any complainant of the investigation's resolution. Upon finding a violation of M.G.L. c. 30A, §§ 18 through 25, the Attorney General may take one of the following actions:

(a) Informal Action. The Attorney General may resolve the investigation with a letter or other appropriate form of written communication that explains the violation and clarifies the subject's obligations under M.G.L. c. 30A, §§ 18 through 25, providing the subject with a reasonable period of time to comply with any outstanding obligations.

(b) Formal Order. The Attorney General may resolve the investigation with a formal order. The order may require:

1. immediate and future compliance with M.G.L. c. 30A, §§ 18 through 25;
2. attendance at a training session authorized by the Attorney General;
3. nullification of any action taken at the relevant meeting, in whole or in part;
4. that minutes, records or other materials be made public;
5. that an employee be reinstated without loss of compensation, seniority, tenure or other benefits; or
6. other appropriate action.

Orders shall be available on the Attorney General's website.

(3) Violation Resolved After Hearing. The Attorney General may conduct a hearing where the Attorney General deems appropriate. The hearing shall be conducted pursuant to 801 CMR 1.00, et seq., as modified by any regulations issued by the Attorney General. At the conclusion of the hearing, the Attorney General shall determine whether a violation of M.G.L. c. 30A, §§ 18 through 25, occurred and whether the public body, one or more of its members, or both, were responsible. The Attorney General will notify, in writing, any complainant of the investigation's resolution. Upon a finding that a violation occurred, the Attorney General may order:

- (a) immediate and future compliance with M.G.L. c. 30A, §§ 18 through 25;
- (b) attendance at a training session authorized by the Attorney General;
- (c) nullification of any action taken at the relevant meeting, in whole or in part;
- (d) imposition of a fine upon the public body of not more than \$1,000 for each intentional violation; however, a fine will not be imposed where a public body or public body member acted in good faith compliance with the advice of the public body's legal counsel, in accordance with M.G.L. 30A, § 23(g);
- (e) that an employee be reinstated without loss of compensation, seniority, tenure or other benefits;
- (f) that minutes, records or other materials be made public; or
- (g) other appropriate action.

Orders issued following a hearing shall be available on the Attorney General's website.

(4) A public body subject to an order of the Attorney General following a written determination issued pursuant to 940 CMR 29.07 shall notify the Attorney General in writing of its compliance with the order within 30 days of receipt of the order, unless otherwise indicated by the order itself. A public body need not notify the Attorney General of its compliance with an order requiring solely immediate and future compliance pursuant to 940 CMR 29.07(2)(b)(1) or 940 CMR 29.07(3)(a).

(5) A public body or any member of a body aggrieved by any order issued by the Attorney General under 940 CMR 29.07 may obtain judicial review of the order through an action in Superior Court seeking relief in the nature of certiorari. Any such action must be commenced in Superior Court within 21 days of receipt of the order.

29.08: Advisory Opinions

The Attorney General will generally not issue advisory opinions. However, the Attorney General may issue written guidance to address common requests for interpretation. Such written guidance will appear on the Attorney General's website.

29.09: Other Enforcement Actions

Nothing in 940 CMR 29.06 or 29.07 shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A, §§ 18 through 25, pursuant to M.G.L. c. 30A, § 23(f).

29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating 940 CMR 29.10, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the M.G.L. c. 30A, §§ 18 through 25, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, § 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, § 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(g) Local Commissions on Disability. In accordance with M.G.L. c. 30A, § 20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c. 30A, § 20(d);

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

(5) Permissible Reason for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), only if physical attendance would be unreasonably difficult.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

i. telephone, internet, or satellite enabled audio or video conferencing;

ii. any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, § 22.

(8) Further Restriction by Adopting Authority. 940 CMR 29.10 does not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

29.11: Meeting Minutes

(1) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes, in accordance with M.G.L. c. 30A, § 22(a).

(2) Minutes of all open and executive sessions shall be created and approved in a timely manner. A "timely manner" will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. The Attorney General encourages public bodies to approve minutes at the next meeting whenever possible.

REGULATORY AUTHORITY 940 CMR 29.00: M.G.L. c. 30A, § 25(a) and (b).

APPENDIX C

REMOTE PARTICIPATION POLICY

Adopted by the Select Board June 30, 2015

1. PURPOSE STATEMENT

The Office of the Attorney General amended the Open Meeting Law regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While members of Town Boards should make every effort to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards under the Open Meeting Law, M.G.L. c.30A, §§18-25.

2. ENABLING AUTHORITY – 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

3. APPLICABILITY

The Board of Selectmen, on June 30, 2015, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town. The Board of Selectmen may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub committees and working groups ("Town Board") regardless of whether such Town Boards are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

4. MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

No member of a Town Board shall participate in a meeting remotely unless the following requirements are met:

- (a) Members of the Town Board who participate remotely and all persons present at the meeting locations shall be clearly audible to each other and, if the meeting is televised, the member participating remotely shall be audible to the television viewing audience;
- (b) A quorum of the Town Board, including the chair or the person authorized to chair the meeting, shall be physically present at the meeting locations;

(c) To the greatest extent practical, and to ensure informed discussion and decision making, members of the Town Board who participate remotely should have access to the materials being used at the meeting location.

5. PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the expressed intent of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards as a whole. Chairs of Town Boards are encouraged to interpret these rules in a strict fashion and encourage all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A member of a Town Board may be permitted to participate remotely in a meeting if the person chairing the meeting determines that one or more of the following factors makes the member's physical attendance unreasonably difficult yet still leaves that member able to actively participate in the meeting:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Significant geographic distance.

A member's qualification to participate remotely does not necessarily mean that the member will be permitted to participate remotely. The determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable. Factors in making this determination may include, but shall not be limited to the following:

- (a) The specific challenges faced by the member to attend all or part of the meeting
- (b) The relative importance of the agenda item(s)
- (c) The ability of the Town Board or its staff to provide access to meeting materials

6. TECHNOLOGY

(a) The following media are acceptable methods for remote participation. Accommodations shall be made for any Town Board member who requires TTY service, video relay service, or other form of adaptive telecommunications.

- (i) telephone, internet, or satellite-enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The focus of the chair should always be on maintaining the flow of the meeting. If the chair determines that technical difficulties are inhibiting the progress of the meeting, the chair may elect to terminate the participation of the remote member. If technical difficulties arise resulting in the loss of connection with the remote participant, that participant's attendance shall be terminated. Either such event shall be noted in the meeting minutes.

(d) Each individual Town Board that anticipates using remote participation shall determine which of the acceptable methods may be used by its members.

7. PROCEDURES FOR REMOTE PARTICIPATION

(a) Any member of a Town Board who wishes to participate remotely shall, as soon as reasonably possible, and at least one week prior to a meeting, notify the person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

(b) If the person chairing the meeting approves the request for remote participation, he or she shall make any necessary arrangements with appropriate Town personnel to ensure that the required equipment is available and, to the greatest extent practical, provide access to all meeting materials.

(c) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason (see paragraph 5, above) for his or her remote participation. This information shall be recorded into the minutes.

(d) Members participating remotely may vote and shall be counted as present for the meeting.

(e) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(f) Remote participants shall preserve the confidentiality of executive session. In this event, the remote participant shall state at the start of any executive session that no other person is present and/or able to hear the discussion at the meeting location unless the presence of that person is approved by a simple majority vote of the Town Board.

(g) The Town shall not be responsible for the reimbursement of any out-of-pocket costs associated with the remote participation of Board members.

(h) Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity who could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.

(i) The chair of any committee for which a request is received to participate remotely shall provide to the Board of Selectmen, no later than December 31 of each year, a report that indicates the date(s) of any meetings for which remote participation was requested, the name(s) of individuals making the request, the determination of the chair for each request, and a summary of any logistical, technical and compliance issues related to remote participation.

Board of Selectmen Adopted: June 30, 2015
Effective: June 30, 2015

APPENDIX D

 TOWN OF DENNIS ANTI-DISCRIMINATION AND HARASSMENT POLICY	
BOS Approved	August 20, 2019
BOS Revised	
#SB2	Select Board Policy

I. *Introduction*

It is the goal of the Town of Dennis (“Town”) to promote a workplace that is free of unlawful discrimination and harassment (“harassment”) of any type, including sexual harassment. Harassment consists of unwelcome conduct whether verbal or physical, that is based on characteristic protected by law, such as race, color, religious creed, national origin, ancestry, sex/gender, gender identity, age, pregnancy, criminal record (inquiries only), handicap (disability) mental illness, retaliation, sexual orientation, genetics and active military status. The Town will not tolerate harassing conduct that affects employment conditions, that interferes with an individual’s performance or that creates an intimidating, hostile or offensive work environment.

Harassment of employees occurring in the workplace, in connection with work related travel, and/or work-sponsored events will not be tolerated. Further, any retaliation against an individual for having complained about harassment or retaliation against individuals for having cooperated with an investigation of a harassment complaint will not be tolerated.

Allegations of harassment will be taken seriously and responses will be made promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred actions will be taken 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 goals of promoting a workplace that is free of harassment as defined above, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of harassment.

II. *Definitions*

“Harassment” means unwelcome conduct, whether verbal or physical, that is pervasive and severe and is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. Display or circulation of written material or pictures that are degrading to a person or group as previously described.
2. Verbal abuse, slurs, derogatory comments or insults about, directed at or made in the presence of an individual or group as previously described.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

Under this definition, for example, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexual oriented conduct that has the effect, whether intended or not, of creating a work environment that is hostile, offensive, intimidating or humiliating to either male or female workers may also constitute sexual harassment.

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

- 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 sexual suggestive objects, pictures, cartoons;
- 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.

All employees should take special note that, as stated above, retaliation against an individual for having complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint will not be tolerated by this organization.

III. *Complaint Procedures*

All employees, managers and supervisors of the Town share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rest with the Town Administrator or Human Resources Director or his/her designee, who will administer the policy and procedures described herein.

If any employee believes that he or she has been subjected to discrimination and/or harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally. In addition, committee members, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discrimination and/or harassment may also file a complaint with the Town using the procedures described herein. Furthermore, any employee may also file a complaint if he/she has been subjected to harassment from committee members, residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work related duties, or during other work related activities.

Prompt reporting of harassment is in the best interest of all individuals allegedly (potentially) involved as well as the Town and is essential to a fair, timely and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If any employee wishes to file a complaint he/she may do so by contacting the Town Administrator or Human Resources Director. The Human Resources Director will also be available to discuss any concerns the complainant may have and to provide information about the Town's policy on harassment and the complaint process.

IV. *Complaint Investigation*

When a complaint is received, a prompt investigation of the allegation will be undertaken in a fair and expeditious manner to determine whether there has been a violation of the Town's policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances, but confidentiality cannot be guaranteed. The investigation may include private interviews with the person filing the complaint and with witnesses. In addition, an interview the person alleged to have committed the harassment may be conducted.

The complaint, the person alleged to have committed the harassment, and all witnesses are required to cooperate fully with all aspects of an investigation. When the investigation has been completed, we will inform the person filing the complaint and the person alleged to have committed that the investigation has been completed. Notwithstanding any provision of this policy, the Town reserves the right to investigate and act on the Town's own initiative response to conduct which may constitute harassment or otherwise inappropriate, regardless of whether an actual complaint has been filed.

If it is determined that inappropriate conduct has occurred, prompt action will be taken to eliminate the offending conduct and where it is appropriate impose disciplinary action.

V. ***Disciplinary Action***

If it is determined that inappropriate conduct has been committed by any of our employees, action will be taken as is deemed appropriate under the circumstances. Such action may range from counseling up to and including termination of employment.

VI. ***State and Federal Remedies***

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both government agencies set forth below. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

The United States Equal Employment Opportunity Commission (EEOC)

One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200

The Massachusetts Commission Against Discrimination (MCAD)

Boston Office:
One Ashburton Place, Room 601, Boston MA 02108
(617) 727-3990

Springfield Office:
424 Dwight Street, Room 220, Springfield MA 01103
(413) 739-2145

Worcester Office:
22 Front Street, 5th Floor, PO Box 8038, Worcester MA 01641
(508) 799-6379

Town of Dennis
Guiding Principles for the Town of Dennis' Select Board
Boards, Committees, and Commissions: Committee Handbook



Statement of Commitment

As a member of the Dennis Select Board or a Dennis board, commission, committee, I hereby acknowledge that I have reviewed the Guiding Principles for the Town of Dennis' Boards, Committees, and Commissions: Committee Handbook, and agree to uphold and abide by the provisions contained herein, inclusive of the Code of Conduct and conduct myself in accordance with the following model of behavior. Toward this end, I affirm that I will:

- Help create, foster and promote an atmosphere of respect and civility in which individual members, Town staff and the members of the public are free to express and exchange their ideas and maintain a positive level of discourse;
- Conduct my public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit; and
- Avoid and discourage conduct which is divisive or harmful to the best interests of Dennis.

I affirm that I have read and that I understand the Guiding Principles for the Town of Dennis' Boards, Committees, and Commissions: Committee Handbook.

Signature

Date

Print Name

Position