

*Town of Tyngsborough*  
Code of Conduct Policy- Elected and Appointed Officials

**SECTION 1: PURPOSE**

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

**SECTION 2: APPLICABILITY**

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media. The School Committee and Board of Library Trustees have statutory authority under Mass General Law to hire and oversee certain staff, including but not limited to a School Superintendent and Library Director. If the provisions of this policy conflict with the statutory authority of any board or committee, the statutory authority shall prevail.

**SECTION 3: CODE OF CONDUCT**

All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Manager/Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

**3.1: Conduct Generally and in Relation to the Community**

- a) Be well informed concerning the local and state duties of a board/committee member.
- b) Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- c) Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.

- d) Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- e) Demonstrate respect for the public that you serve.
- f) Safeguard confidential information.
- g) Conduct yourself so as to maintain public confidence in our local government.
- h) Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- i) Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- j) Comply as fully as possible with all Town policies, including, without limitation, the following:
  - i. Anti-harassment and Anti-discrimination Policy
  - ii. Anti-fraud Policy
- k) Comply as fully as possible with all applicable laws, including, without limitation, the following:
  - i. The Open Meeting Law
  - ii. Procurement Laws
  - iii. The Ethics/Conflict of Interest Statute (G.L. c.268A).

**3.2: Conduct in Relation to other elected and appointed officials**

- a) Treat all members of the board/committee to which you belong 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.
- b) Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- c) Recognize your responsibility to attend all meetings to assure a quorum 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/committee requires written notification to the Town Clerk.
- d) Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- e) Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- f) Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- g) Make decisions only after all facts on a question have been presented and discussed.

**3.3: Conduct in Relation to the Town Administrator/Manager**

- a) Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.

- b) Give the Town Administrator/Manager full responsibility for discharging his or her disposition and/or solutions.
- c) Refrain from giving orders or directions to the Town Administrator/Manager for action as an individual board/committee member.
- d) Refrain from providing information to the Town Administrator/Manager that you would not be willing to share with other board/committee members.

#### **3.4: Conduct in Relation to Town Staff**

- a) Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- b) Refrain from directing or requesting assistance from Town staff in your capacity as a Town official, except for Town staff that work directly for you and/or your public body. This does not include setting an agenda or other official duties of a board/committee member or chair. This also does not include asking questions or seeking additional clarifying information pertaining to an item in front of your board/committee.
- c) Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator/Manager through private communication.
- d) Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

#### **SECTION 4: DISTRIBUTION AND EDUCATION**

The Town Clerk shall provide a copy of this policy, the Town's Anti-Harassment and Anti-Discrimination policy and the Anti-fraud policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.

Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

#### **SECTION 5: ENFORCEMENT**

In addition to any other remedies or enforcement options available under the law, each board/committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If any elected or appointed official is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy, the Town Administrator/Manager shall refer the matter for investigation to the contact named in the Anti-harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator/Manager shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town

Administrator/Manager. The Town Administrator/Manager shall share the reported findings and recommendations with the elected official's board/ committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon request of the Town Administrator/Manager or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator/Manager.

The Town Administrator/Manager shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

Code of Conduct Policy- Elected and Appointed Officials

This acknowledges that I have received and reviewed the Town's Code of Conduct Policy for Elected and Appointed Officials ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review any changes or modifications.

Name \_\_\_\_\_

Title \_\_\_\_\_

Board/Committee \_\_\_\_\_

Date \_\_\_\_\_