GEORGIA VERMONT

ETHICS REPORTING & WHISTLEBLOWER PROTECTION POLICY

A policy for good-faith reporting, fair review, and protection against retaliation

Supplementing the Town Conflict of Interest & Ethics Policy approved February 24, 2025

STATUTORY FOUNDATION. 24 V.S.A. chapter 60, especially sections 1991 and 1996-1999. If this policy conflicts with controlling law, the law controls. Statutory employment remedies remain governed by law and are not expanded or limited by this policy.

1. Purpose and policy commitment

The Town of Georgia (Town) expects municipal business to be conducted lawfully, ethically, impartially, and in the public interest. The Town encourages prompt, good-faith reporting of suspected misconduct and will address credible concerns through a fair, impartial process.

Public service carries a public trust. Town officers, employees, and volunteers shall work toward the public interest rather than private interests; preserve and enhance public confidence; demonstrate leadership consistent with that trust; respect the lawful roles of other Town bodies and officials; and treat other persons and positions with respect. Town decisions shall be based on the best interests of the municipality.

No Town agency, department, appointing authority, officer, employee, or other person acting for the Town may retaliate against a person for making a good-faith report, refusing an illegal order as described below, giving good-faith testimony, seeking ethics guidance, or assisting with an investigation or enforcement proceeding. Interference with protected reporting is prohibited.

GOOD-FAITH REPORTS ARE PROTECTED. A concern does not have to be substantiated to be made in good faith. Deliberately false statements, knowing fabrication of evidence, or threats of violence are not protected by this policy.

2. Authority

This policy is adopted under the Town's general authority and 24 V.S.A. chapter 60, including:

- Section 1996, requiring municipalities to post ethics materials, designate a complaint recipient, keep training and complaint records, and provide de-identified complaint summaries to the Vermont State Ethics Commission upon request;
- Section 1997, requiring municipal procedures to investigate and enforce substantiated complaints alleging that a municipal officer violated the Municipal Code of Ethics;
- Section 1998, prohibiting retaliation against a protected municipal employee and establishing protected activity, communications rights, remedies, posting duties, and deadlines; and
- Section 1999, allowing supplemental municipal ethics policies that do not conflict with chapter 60.

3. Scope

This policy applies to Town agencies and departments and, to the extent of the Town's lawful authority, to all persons elected or statutorily appointed to perform executive, administrative, legislative, volunteer, or quasi-judicial functions; employees; applicants; volunteers; interns; and persons performing services under contract.

The Town's internal no-retaliation rule protects any person who makes or supports a good-faith report. The statutory cause of action and remedies in 24 V.S.A. section 1998 apply only to a protected employee as defined by that statute: an individual employed on a permanent or limited-status basis by a municipality.

This policy supplements any collective bargaining agreement, employment contract, grievance process, ethics ordinance, conflict-of-interest policy, or other right provided by federal, State, or local law. It does not displace a more protective requirement or restrict a lawful reporting channel.

4. Key definitions

Confidential information. Information exempt from public inspection and copying under Vermont's Public Records Act or otherwise designated confidential by State or federal law.

Designated complaint recipient. A recipient recognized in 24 V.S.A. section 1991(7), as amended. Internal Town recipients are identified in section 7 of this policy.

Ethics Liaison. The Town Administrator, or another non-conflicted person appointed by the Selectboard, who serves as the Town's point of contact with the Vermont State Ethics Commission and receives Municipal Ethics Complaints.

Good faith. An honest report, testimony, or refusal based on facts the reporting person reasonably believes to be true. A report may be mistaken or unsubstantiated and still be in good faith.

Municipal Ethics Complaint. A report alleging that a municipal officer violated the Vermont Municipal Code of Ethics in 24 V.S.A. chapter 60 or a valid supplemental Town ethics rule.

Municipal officer. A person within the categories listed in 24 V.S.A. section 1991(12), including members of municipal legislative and quasi-judicial bodies and the listed elected or appointed municipal positions.

Protected activity. Conduct protected by 24 V.S.A. section 1998 or by the Town's broader no-retaliation rule in this policy.

Protected employee. An individual employed on a permanent or limited-status basis by a municipality, as defined in 24 V.S.A. section 1991(14).

Retaliatory action. Any materially adverse action taken because of protected activity. It includes discharge, suspension, reprimand, demotion, denial of promotion, a performance-warning period, involuntary transfer or reassignment, discrimination, intimidation, threats, harassment, or interference with work opportunities.

5. Protected activity

Consistent with 24 V.S.A. section 1998, protected activity includes:

- Providing a designated complaint recipient with a good-faith report or good-faith testimony alleging that a Town entity, Town employee or official, or Town contractor has engaged in a violation of law; waste; fraud; abuse of authority; or a threat to the health of employees, the public, or persons under the Town's care;
- Assisting or participating in a proceeding to enforce 24 V.S.A. section 1998;
- Refusing to comply with an illegal order, provided the protected employee states at the time of refusal the employee's good-faith and reasonable belief that the order is illegal; and
- Communicating with or testifying before a member or committee of the Town's legislative body or the Vermont General Assembly, subject to the limits in section 6.

The Town also treats as protected under this policy good-faith requests for ethics guidance, reports of violations of the Municipal Code of Ethics, participation in a Town ethics investigation, and reasonable efforts to prevent or remedy retaliation.

6. Communications with legislative bodies

The Town will not prohibit a protected employee from discussing a matter with a member of the Town's legislative body or the General Assembly, or from testifying before a municipal or General Assembly committee, when the employee does not disclose confidential information and clearly states that the employee is not speaking for the Town unless authorized to do so.

If an appearance will cause the employee to miss work, the employee shall request leave and give as much notice as reasonably possible. The request shall be granted unless there is good cause to deny it. A denial and the reasons must be given to the employee in writing before the scheduled appearance. These protections remain subject to the efficient operation of municipal government as provided in 24 V.S.A. section 1998(b)(3).

The protections set forth in this section shall not apply to statements that constitute hate speech or threats of violence against a person.

7. How to report

A whistleblower or retaliation report may be oral or written unless another controlling procedure requires writing. Written reports are encouraged because they help preserve dates and facts. A reporter should provide the facts known, relevant dates, persons involved, documents or witnesses, the suspected law or ethics concern if known, and any immediate safety or preservation need. A reporter should not delay a report merely because all facts are not yet known.

Formal Municipal Ethics Complaint. Consistent with the Town's approved Conflict of Interest & Ethics Policy, a person who alleges that an appointed official, employee, volunteer, or elected official violated a Town ethics requirement should submit a signed, written complaint to the Ethics Liaison. The complaint should identify the person accused and state with reasonable specificity the acts alleged to violate the policy. A complaint concerning an elected official shall be directed to the Ethics Liaison; a person may also ask the relevant elected body to reconsider a matter believed to involve unethical conduct. A failure to use this formal format does not defeat statutory protection for an otherwise protected good-faith report or testimony under 24 V.S.A. section 1998.

Internal Town reporting options. A report may be made to any of the following, unless that person is involved in the matter or has a conflict:

- The reporter's supervisor or department head;
- The Town Administrator;
- The Selectboard Chair; if the Chair is involved or conflicted, the Vice Chair or another non-conflicted Selectboard member;
- The Town Clerk, who shall promptly route the report to a non-conflicted designated recipient; or
- The Ethics Liaison or other municipal officer or body designated by the Selectboard to receive Municipal Code of Ethics complaints.

Alternative lawful reporting. Nothing in this policy requires internal reporting before a person contacts any designated complaint recipient recognized in 24 V.S.A. section 1991(7), as amended. Those recipients include appropriate boards or commissions, the Vermont State Auditor, an oversight agency, law enforcement, a court or prosecutorial office, a legislative body, and other recipients specified by statute.

CONFLICT-SAFE ROUTING. A person should bypass any reporting recipient who is accused, supervises the accused in a way that compromises neutrality, is a material witness, or otherwise has a conflict. The report may be made directly to another internal or external statutory recipient.

8. Confidential information and privacy

Protected activity does not include divulging information that is confidential under State or federal law. A reporter who is unsure whether information is confidential should seek guidance from Town counsel or a lawful designated complaint recipient and may describe the concern without unnecessarily disclosing protected content.

The Town will limit disclosure of a report to persons with a legitimate need to know and will protect the reporter's identity to the extent reasonably possible. The Town cannot promise complete confidentiality. Records and proceedings may be governed by the Vermont Public Records Act, Open Meeting Law, personnel-record protections, collective bargaining rights, due-process requirements, court process, or another law.

9. Intake, review, and investigation

The recipient shall promptly preserve the report and relevant records and route the matter to a person without a conflict. The Town will use the following process unless a controlling ordinance, agreement, or law requires another process:

1. Acknowledge receipt when contact information is available, ordinarily within five business days, and assess any urgent safety, evidence-preservation, or anti-retaliation measures.
2. Conduct a conflict check and preliminary review. The reviewer shall identify the allegations, applicable standards, jurisdiction, and whether referral to law enforcement, another agency, an insurer, or Town counsel is appropriate.
3. Assign a neutral investigator when facts are disputed or further inquiry is warranted. The investigator may be a non-conflicted Town official, outside investigator, or counsel. Counsel's role and any privilege shall be clearly identified.
4. Provide the subject of the complaint fair notice of the material allegations and a reasonable opportunity to respond, subject to lawful limits needed to protect safety, evidence, witnesses, confidentiality, or an active law-enforcement matter.
5. Gather and assess relevant documents and testimony. Findings shall be based on a fair assessment of the available evidence. A Municipal Ethics Complaint is substantiated under this policy when it is more likely than not that the violation occurred, unless controlling law requires another standard.
6. Prepare a written disposition sufficient to document the allegations, process, findings, and authorized action. The Town will inform the reporter and subject that the matter is closed to the extent permitted by law, but may withhold confidential personnel or legal information.

The Town will seek to complete routine reviews within 30 calendar days, but complexity, witness availability, law-enforcement coordination, or due-process needs may require more time. This target does not extend or pause any legal filing deadline.

10. Ethics complaints and corrective action

A complaint alleging that a municipal officer violated the Municipal Code of Ethics shall be handled under the Town's adopted investigation and enforcement procedure required by 24 V.S.A. section 1997. If no more specific valid procedure applies, section 9 of this policy supplies the minimum process.

When a complaint is substantiated, the Town may take any lawful and proportionate action within its authority, including guidance, training, recusal or conflict-management measures, correction of records or processes, restitution where authorized, reprimand or censure, employment discipline up to termination, contract remedies, referral to another authority, or other corrective action. Nothing in this policy creates authority to remove an elected officer or impose discipline where the Town lacks that authority.

Conflict determination by a public body

If a question concerning a member's disqualification is raised before a Town board, commission, or committee by a party, another person, or another member, and the challenged member does not recuse, the body shall consider the factual basis for the question and decide the matter by majority vote. The challenged member shall abstain from that vote. This procedure does not replace the officer's independent duties of disclosure, recusal, or a written nonrecusal statement under 24 V.S.A. section 1992.

Action concerning an elected officer

Subject to law, due process, the Open Meeting Law, and quorum requirements, the Selectboard may use one or more of the following measures when an elected officer has engaged in prohibited conduct or failed to follow required conflict procedures:

- The Selectboard Chair and one other non-conflicted Selectboard member may meet informally with the officer to discuss the possible violation, unless their participation with the officer would itself constitute a quorum of a public body;
- The Selectboard may meet to discuss the officer's conduct, using executive session only when lawfully authorized. The officer may request that the discussion occur in public;
- The Selectboard may privately admonish the officer when lawful and appropriate;
- The Selectboard may admonish the officer at an open meeting, reflect that action in the minutes, and give the officer a reasonable opportunity to respond; or
- By majority vote in an open meeting, the Selectboard may request, but not order, the elected officer to resign.

Action concerning appointed officers and employees

For an appointed officer, the Selectboard may use any lawful measure listed above and may remove the officer when authorized by State law. Employment action shall follow applicable personnel policies, collective bargaining rights, contracts, and law. An enforcement action involving an employee may be appealed through the process available under the Town's personnel policy. A final legislative-body decision may be reviewable in Vermont Superior Court under Vermont Rule of Civil Procedure 75 when that remedy is legally available.

11. Retaliation complaints and protective measures

A person who believes retaliation has occurred or is threatened should report it promptly through any route in section 7. A retaliation complaint shall be reviewed independently from the underlying concern whenever reasonably practicable. The fact that an underlying report was unsubstantiated does not by itself establish bad faith or permit retaliation.

Pending review, the Town may use lawful interim measures such as separating reporting lines, preserving schedules or duties, directing no-contact, protecting records, placing a person on non-disciplinary paid leave, or arranging another measure that does not itself burden or punish the reporter. The Town shall monitor for continuing retaliation after disposition.

Any person who retaliates, interferes with reporting, directs another to retaliate, knowingly breaches a protective measure, or obstructs an investigation is subject to corrective or disciplinary action within the Town's lawful authority, independent of the outcome of the underlying report.

12. Statutory enforcement, remedies, and deadlines

IMPORTANT DEADLINE. Under 24 V.S.A. section 1998(f), a Superior Court action must be brought within 180 days after the alleged retaliatory action. An internal report or Town investigation does not necessarily pause that deadline. A grievance or similar process has its own deadline.

Section 1998 preserves other rights and remedies, subject to its election-of-forum limits. A protected employee who files a retaliation claim with the Vermont Labor Relations Board, or through binding arbitration under an available grievance or similar process, may not bring the same claim in Superior Court. A protected employee who files the claim in Superior Court may not bring the retaliation claim through an available grievance or similar process.

A protected employee who brings a claim in Superior Court may be awarded the remedies authorized by 24 V.S.A. section 1998(d), including reinstatement; back pay, lost wages, benefits, and other remuneration; an additional amount up to back pay for a willful, intentional, and egregious violation; other compensatory damages; interest on back pay; appropriate injunctive relief; and reasonable costs and attorney's fees.

Employees should promptly consult their union representative or private legal counsel about available forums and deadlines. The Town and its officials do not provide personal legal advice to a reporter or accused person through this policy.

13. Records, posting, and training

- The Town shall maintain ethics complaint and disposition records for the duration of the municipal officer's service plus at least five years, as required by 24 V.S.A. section 1996(4), and longer when another retention rule, litigation hold, or law requires.
- Upon request, the Town shall promptly provide the Vermont State Ethics Commission a summary of municipal-officer complaints and outcomes without personally identifiable information, as required by section 1996(5).
- The Town shall post the Municipal Code of Ethics, its complaint procedures, and supplemental ethics policies on the Town website, and shall maintain ethics-training records as required by sections 1995 and 1996.
- Every Town agency, department, and office shall prominently post and display notice of protected-employee rights under section 1998. Appendix A may be used as the Town notice after the local contact fields are completed.
- Supervisors and designated recipients shall receive periodic training on report intake, conflicts, confidentiality, preservation, impartial investigation, and retaliation prevention.
- As a supplemental Town requirement, all Town officers, employees, and volunteers shall complete or review approved ethics training within 120 days after beginning public service and at least once every three years thereafter, unless a more frequent requirement applies. Training required by 24 V.S.A. section 1995 shall be documented.

Annual reaffirmation and distribution

- At its annual organizational meeting, the Selectboard shall publicly reaffirm the Town's ethics policies. Each new Selectboard member shall receive the policies and sign an acknowledgment of receipt and understanding.
- Upon appointment and annually at their organizational meetings, Selectboard-appointed boards, commissions, and committees shall publicly reaffirm the ethics policies. Each new member shall receive the policies and sign an acknowledgment.
- At hiring, department heads shall provide employees the ethics and personnel policies and obtain a signed acknowledgment, which shall be retained with the Town's records.
- A person seeking elected office shall be given or directed to the current ethics policy with petition materials when practicable. A person seeking appointment shall receive or be directed to the policy upon submitting a request for appointment.

14. Administration and construction

The Selectboard is responsible for adopting and amending this policy. The Town Administrator serves as Ethics Liaison and is responsible for administration, except when conflicted; the Selectboard shall then appoint a non-conflicted alternate. The Selectboard shall ensure current complaint-recipient contact information is posted.

This policy supplements and shall be read together with the Town of Georgia Conflict of Interest & Ethics Policy approved February 24, 2025. It does not repeal the approved policy's substantive standards concerning conflicts, recusal, nepotism, supervision of immediate family or business associates, preferential treatment, misuse of position or resources, gifts, unauthorized commitments, municipal contracts, ex parte communications, incompatible offices, or fair and equal treatment. If procedures conflict, controlling State law governs and the provision affording lawful whistleblower protection shall not be narrowed.

This policy shall be interpreted consistently with 24 V.S.A. chapter 60 and other controlling law. Statutory references include later amendments. If any provision is invalid or unenforceable, the remaining provisions remain in effect. This policy does not create a contract of employment, alter at-will status where applicable, waive governmental immunity or privilege, or enlarge the Town's legal authority. The policy becomes effective immediately upon adoption by the Selectboard.

15. Adoption

Adopted by the Selectboard of the Town of Georgia, Vermont, at a duly warned meeting on the date written below.

_____
Selectboard Chair

_____
Selectboard Member

_____
Selectboard Member

_____
Selectboard Member

_____
Selectboard Member

_____
Attest: Town Clerk

ADOPTED BY	Town of Georgia Selectboard
ADOPTION DATE	_____
EFFECTIVE DATE	_____

Appendix A - Workplace Notice

TOWN OF GEORGIA, VERMONT

YOUR RIGHT TO REPORT MISCONDUCT WITHOUT RETALIATION

STATE LAW PROTECTS MUNICIPAL EMPLOYEES. The Town may not retaliate against a protected employee for a good-faith report or testimony about violations of law, waste, fraud, abuse of authority, or a threat to health; for assisting enforcement of the law; or for refusing an illegal order when the employee states a good-faith and reasonable belief that the order is illegal.

You may report to

- Your supervisor or department head
- Town Administrator / Chief Administrative Officer
- Selectboard Chair, Vice Chair, or another non-conflicted Selectboard member
- Town Clerk for routing to a non-conflicted recipient
- Ethics Liaison (Town Administrator) or alternate designated by the Selectboard
- Any other designated complaint recipient recognized by 24 V.S.A. section 1991(7)

Remember

- You may bypass anyone who is involved in the matter or has a conflict.
- Do not disclose information made confidential by State or federal law.
- If refusing an illegal order, state at that time your good-faith and reasonable belief that it is illegal.
- An unsubstantiated report may still be protected if it was made in good faith.
- An internal review does not necessarily pause an external legal deadline.

180-DAY COURT DEADLINE. A Superior Court claim under 24 V.S.A. section 1998 must be filed within 180 days after the alleged retaliatory action. Other forums may have different deadlines and filing in one forum may bar another. Seek independent advice promptly.

Local contact information

Ethics Liaison	Town Administrator / designated alternate
Telephone	_____
Email	_____
Mail / office	_____

Legal sources

Vermont Municipal Code of Ethics, 24 V.S.A. chapter 60: legislature.vermont.gov/statutes/chapter/24/060

Act 171 (2024), as enacted: ACT171 As Enacted.pdf

Town source incorporated: Conflict of Interest & Ethics Policy approved February 24, 2025.