



qathet

REGIONAL DISTRICT

SECTION 1 CORPORATE POLICIES

POLICY 1.16

SUBJECT CODE OF CONDUCT

ADOPTED JULY 26, 2023

PREAMBLE:

Being a Member of the Board or an appointed member of Committees or Commissions of the qathet Regional District (qRD), answerable to the public, comes with standards of ethical behaviour that are different than the standards that may be found in one's other roles in the community. The standards set out in this *Code of Conduct Policy* (the "Policy") are a guide to assist Board members (and members of Committees/Commissions) in decisions faced in the course of carrying out their duties and to support them in being proactive toward ethical dilemmas that may arise in the course of their activities. This Policy does not cover every possible situation Board, Committee, or Commission members may face so it is important that actions are in harmony with the spirit and intent of this Policy.

PURPOSE:

Members of the Board and its Committees and Commission represent the interests of the public in the processes of their local government. As such, they are entrusted with upholding the bylaws of the qRD as well as all applicable provincial and federal laws. The purpose of this Policy is to set the expectation that members adhere to the standards set out in this Policy while carrying out their duties and functions as members of the Board, and as members of the various bodies to which they have been elected/appointed, including in their interactions with other local governments, higher orders of government and First Nations.

SCOPE:

This Policy applies to qRD Board, Committee, and Commission members. It applies to all interactions of Board and Committee/Commission Members in relation to qRD matters whether in duly constituted meetings, interactions with staff, the press, or the public and during their use of social media. It is intended to govern and apply to relations and conduct between and among members of the Board, Committees, Commissions, and staff.

As such, only members of the Board, Committees, Commissions and staff shall have standing to file complaints under this Policy. Complaints from the public with respect to the conduct of elected officials can be filed under the qRD's *General Complaints Policy* (No. 2.11), and will be administered under the terms of that Policy rather than this Code of Conduct Policy.

Complaints filed under this Policy must be rooted in demonstrable violations. Complaints that are deemed by an independent Third-Party Investigator to have been filed frivolously, vexatiously, or out of a motivation to politically or personally discredit or harm a respondent shall in and of themselves constitute a violation of this Policy.

In the event that it is a member of staff who is found by an independent Third-Party Investigator to have filed a frivolous or vexatious complaint per the above, the matter shall be referred to the District's Human Resources Division under the qRD's *Workplace Discrimination and Bullying and Harassment Policy* (No 4.16).

APPLICATION OF THE CODE:

Recognizing that the qRD seeks to maintain and enhance the quality of life for all residents through effective, responsive and responsible government, members will conduct their business with integrity and in a fair, honest and open manner. Further, this Policy is founded on the principles of ***Integrity, Respect, Accountability, and Leadership and Collaboration.***

For clarity, these principles are defined as follows:

Integrity means conducting oneself honestly and ethically. Conduct under this principle is demonstrated by being open and truthful in all local government dealings, protecting confidentiality where necessary, behaving in a manner that promotes public confidence, avoiding perceptions of conflicts of interest or unethical conduct, ensuring actions are consistent with the Board's shared principles, values, policies and bylaws, demonstrating ethical principles during both open and closed meetings, and expressing sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

Respect means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, staff, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

Accountability means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when members, individually and collectively, accept responsibility for their actions and decisions.

Leadership and Collaboration means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when members encourage one another to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

POLICY:

1. COMPLY WITH THE LAW

- 1.1 This Code of Conduct Policy is intended to be developed, interpreted, and applied in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the qRD, the common law, and any other legal obligations which apply to members individually or to the Board as a collective.
- 1.2 Additionally, members agree to refrain from any conduct that could be perceived as discriminatory on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation or identity.

2. CONDUCT OF MEMBERS

The conduct of members in the performance of their duties and responsibilities with the qRD must align with the four “principles” identified under “*Application of the Code*” as follows:

2.1 **Integrity** is demonstrated by the following conduct:

- (a) Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- (b) Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the Board.
- (c) Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- (d) Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- (e) Members will behave in a manner that promotes public confidence in all of their dealings.

2.2 **Respect** is demonstrated through the following conduct:

- (a) Members will treat every person with dignity, understanding, and respect.
- (b) Members will show consideration for every person's values, beliefs, experiences and contributions to discussions.
- (c) Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as, offensive or demeaning.
- (d) Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.

2.3 **Accountability** is demonstrated through the following conduct:

- (a) Members will be responsible for the decisions that they make and be accountable for their own actions and the collective actions of the Board, Committee, or Commission on which they serve.
- (b) Members will listen to and consider the opinions and needs of the community in all decision-making and allow for appropriate opportunities for discourse and feedback.
- (c) Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

2.4 **Leadership and Collaboration** is demonstrated through the following conduct:

- (a) Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.
- (b) Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- (c) Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- (d) As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.

(e) Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.

(f) Members will recognize the importance of the role of the Chair of meetings and treat that person with respect at all times.

3. RESPECT FOR PROCESS

All meetings will be conducted in a manner consistent with the *Board Procedure Bylaw* (No. 557), and will provide adequate and substantive opportunity for persons to state their position on any matter before the assembly. Members shall perform their duties in accordance with the policies, procedures, and rules of order governing the deliberation of public policy issues established by the Board, including the provision of meaningful involvement of the public, and implementation of policy decisions of the Board by qRD staff.

4. CONDUCT OF PUBLIC MEETINGS

Members shall prepare themselves for meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the body, nor otherwise disturb a meeting.

5. DECISIONS BASED ON MERIT

5.1 Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

5.2 In the context of Statutory or other Public Hearings, Board members shall keep an open mind on the matters being discussed and refrain from expressing their opinions on the merits of the matter under consideration until the Hearing has concluded and the Board is considering/debating the matter that was the subject of the Hearing.

6. TRANSPARENCY AND INFORMATION SHARING

Wherever possible members will share with staff and the Board or fellow Committee/Commission members, in as timely a manner as possible, any substantive information which they may have received from sources outside of the public decision-making process if that information is relevant to a matter that is under consideration.

7. CONFIDENTIAL INFORMATION

Members shall respect the confidentiality of information concerning the property, personnel or legal affairs of the qRD. Information that is discussed in meetings that are closed to the public under Section 90 of the *Community Charter* is to be kept

confidential and shall not be publicly disclosed nor publicly discussed in any manner without Board authorization. Members further agree that this confidential information will not be used to advance their personal, financial or other private interests.

8. USE OF PUBLIC RESOURCES

Members shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

9. COMMUNICATIONS – SOCIAL MEDIA

- 9.1 Per Section 4 b) of the qRD *Social Media Policy* (No. 2.13), members “must not post personal comments or status updates that reflect negatively on the integrity of the organization.”
- 9.2 Members will use caution in reporting Board decision-making by way of their social media profiles and websites before the qRD has released any formal communication.
- 9.3 Members will refrain from using or permitting the use of their social media accounts for purposes that include:
 - (a) defamatory remarks, obscenities, profane language or sexual content;
 - (b) negative statements disparaging staff or calling into question the professional capabilities of staff;
 - (c) content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation or identity;
 - (d) statements that indicate a closed mind in relation to a matter that is to be the subject of a Statutory or other Public Hearing; or,
 - (e) promotion of illegal activity.
- 9.4 Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages, comments, or other postings by others that violate the terms of this Policy.

10. COMMUNICATIONS – INTERACTIONS WITH THE PUBLIC AND MEDIA

- 10.1 Members acknowledge that the Board Chair is the primary spokesperson for the qRD. As such, members must not purport to speak on behalf of the qRD or the Board unless expressly authorized to do so.

(a) The exceptions to the above are itemized in Section 5 of the qRD's "*Public Communication and Engagement*" Policy, (No. 2.9):

- "Where appropriate, interviews can be referred to the Chair of the relevant Committee or Commission at the discretion of the Board Chair.
- Municipal Directors are the primary spokespersons for their municipality regarding current events, sub-regional services, partnerships with other Electoral Areas or other organizations and Board decisions affecting their municipality.
- Regional District Electoral Area Directors are the primary spokespersons for their Electoral Areas regarding current events, sub-regional and local services, partnerships with other Electoral Areas and Board decisions affecting their respective Electoral Areas."

10.2 When speaking for themselves as individuals, Board members will include "in my opinion" or use a similar disclaimer to ensure it is expressly clear they are speaking only for themselves and not on behalf of either the qRD or the Board as a whole.

10.3 In an effort to promote the integrity of and respect for the collective and democratic decision-making process, members will not misrepresent the decisions of the Board, Committees, or Commissions, even if they disagree with the majority decision. Further, members will not make personal comments in public that would reflect negatively on the decision-making process or the integrity of the organization.

10.4 When discussing publicly the positions taken by other members during a vote on a matter, members will refrain from making disparaging comments about those other members.

11. CONFLICT OF INTEREST

11.1 Members shall be aware of and act in accordance with the provisions of Division 6 of the *Community Charter* with respect to matters of potential conflict of interest.

(a) Members are expected to make decisions that benefit the community. They are to be free from undue influence and not act, or appear to act, in a manner that would result in financial gain or other benefits for themselves, family, friends or business interests;

(b) Members are expected to be aware of appearances and strive to conduct themselves in a manner that upholds or increases the public trust by taking steps to reduce or eliminate the possible appearance of a conflict of interest;

- 11.2 For further clarity, examples of conflict that may be encountered by members include, but are not limited to:
- (a) Obligation to others: members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the qRD and who would benefit from special consideration or treatment;
 - (b) Special advantage/disadvantage: when members can gain special advantage because of their position or when the qRD is disadvantaged as a result of the other interests of members;
 - (c) Discounts/Rebates: Members may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the qRD unless those suppliers offer the same discount/rebates to the general public.

12. GIFTS AND FAVOURS

Specifically with respect to qRD Board members, the receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. However, this Policy is intended to provide additional guidance to Board members.

- 12.1 Members must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest. To assist in avoiding that situation, members will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds the amounts prescribed in section 106 of the *Community Charter*.
- 12.2 In the event that gifts as described in Section 12.1 are received, a member must, per Section 106 (2) of the *Community Charter*, file with the Corporate Officer, as soon as reasonably practicable, a disclosure statement indicating the nature of the gift or benefit.
- 12.3 For clarity, the following are not considered gifts or personal benefits:
- (a) Compensation authorized under section 105(2)(b) of the *Community Charter*;
 - (b) Reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with authorized travel;
 - (c) A lawful contribution made to a Board Member who is a candidate for election conducted under the *Local Government Act*; and
 - (d) A random draw prize at an event attended by a Board Member.
- 12.4 For the purposes of this Policy, the value of each gift or personal benefit shall be determined by its replacement cost, i.e., the retail cost to replace the item.

13. POLICY ROLE OF MEMBERS

- 13.1 Members shall respect and adhere to the Board-Chief Administrative Officer (“one-employee”) structure of governance as practiced in the qRD. In this structure, the Board determines the policies of the qRD with advice, information and analysis provided by staff and Committees, Commissions, and the public as warranted.
- 13.2 Board members will generally direct inquiries regarding departmental issues or questions to the CAO and the manager of the appropriate department, and refrain from contacting any other staff directly unless the communication is minor and for the purpose of seeking administrative clarity.
- 13.3 Members will not engage in “debate” with staff; they will be respectful of staff input and advice and, while free to disagree with the substance of such advice, will not question either the integrity, motivation, or competence of staff in the performance of their duties.
- 13.4 Members will not interfere with the administrative or operational functions of the qRD or with the professional duties of staff, nor shall they impair the ability of staff to implement Board policy decisions.

14. POSITIVE WORKPLACE ENVIRONMENT

- 14.1 Members shall treat each other, the public, and staff with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their professional duties. Members shall be aware of and act in accordance with the qRD’s *Workplace Discrimination and Bullying and Harassment Policy* (No 4.16).
- 14.2 In furtherance of a positive workplace environment, and in the interest of transparency for the public, members agree that all substantive discussion or debate on policy matters will be conducted at duly constituted Board meetings. Members will refrain from “caucusing” or otherwise predetermining their positions or votes on policy matters in informal meetings, by email, or through any other means of communication outside of debate in duly constituted meetings.

15. BREACHES, COMPLAINT HANDLING AND DISCIPLINARY ACTION

- 15.1 Board and Committee/Commission Members must abide by the requirements of this Policy and shall endeavour to resolve disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.
- 15.2 An alleged breach of this Policy may be submitted by a Board or Committee/Commission Member or staff. Complaints shall be submitted simultaneously in writing to the Board Chair and the CAO within six (6) months of the last alleged breach, with a copy simultaneously submitted to the

Respondent(s). The Chair and CAO are authorized to extend this six (6) month deadline if circumstances warrant an extension.

- 15.3 Complaints regarding the conduct of a Director seeking re-election will not be accepted in the period from the first day of the nomination period to the general voting day.
 - (a) In the event that a complaint is filed prior to the first day of the nomination period, but remains unresolved by the start of and through the campaign period, the investigation will continue into the next term of the Board, unless either the complainant or respondent do not seek or gain re-election.
- 15.4 In the event that the Board Chair is the subject of or is otherwise a party to the complaint, the complaint shall be addressed to the Vice-Chair and CAO. In the event that both the Chair and Vice-Chair are the subject of or otherwise a party to the complaint, the complaint shall be submitted to the CAO who will determine if the complaint should be forwarded to the District Solicitor.
- 15.5 Upon receipt of a complaint under section 15.2, the Board Chair, (or Vice-Chair as per Section 15.4) and the CAO shall put forward every effort to have the parties resolve their differences informally through discussions between the Complainant(s) and the Respondent(s). The strongest possible preference shall be given to an informal resolution wherever possible.
- 15.6 If an informal resolution is not achieved within thirty (30) days of receipt of the complaint, the Board Chair (or Vice Chair) and the CAO may, with the consent of the Complainant(s) and the Respondent(s) forward the complaint to a qualified mediator (the "Mediator"). The Mediator shall attempt to resolve the matter and, in doing so, may employ whatever methods they consider appropriate, including culturally appropriate and transformative or restorative justice approaches.
- 15.7 If the Complainant(s) and Respondent(s) reach a mediated resolution, the Mediator must notify the Board Chair (or Vice Chair) and the CAO in writing of the terms of the resolution, upon receipt of which notification the Board Chair and CAO shall close the matter.
- 15.8 If the Complainant(s) and Respondent(s) do not reach a mediated resolution within sixty (60) days of the commencement of the Mediation, the Mediator must refer the complaint back to the Board Chair (or Vice Chair) and CAO, who shall forward the complaint to an independent third party identified and agreed upon between the Complainant(s) and Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the "Third-Party Investigator").
- 15.9 Both the Complainant(s) and Respondent(s) shall each have the right to recommend three (3) names as a Third-Party Investigator, from which lists a

Third-Party Investigator may be mutually agreed upon by both parties. If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third-Party Investigator. If this nominee cannot select the Third-Party Inspector, the District's Solicitor will appoint this person.

- 15.10 The Third-Party Investigator must conduct a preliminary assessment of the complaint. Within (30) days of their appointment, the Investigator will determine whether to continue the investigation or make a written determination that the complaint be dismissed as unfounded, beyond the jurisdiction of the Policy or unlikely to succeed. If the complaint is determined to be unfounded, the Third-Party Investigator shall also have the power to find that the complaint is vexatious or frivolous, and per the "Scope" of the Code above, such a finding will itself constitute a breach of this Policy on the part of the Complainant(s).
- 15.11 If the Third-Party Investigator determines to continue the investigation, the Third-Party Investigator shall:
- (a) Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
 - (b) Provide an investigation update within sixty (60) days of their appointment to the Chair (or Vice-Chair as per Section 15.4,) to the CAO, and to the Complainant(s) and the Respondent(s);
 - (c) Provide, within ninety (90) days of their appointment, a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the Board Chair, (or Vice-Chair as per Section 15.4), the CAO, and the Complainant(s) and Respondent(s); and,
 - (d) Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
 - (i) dismissal of the complaint;
 - (ii) a letter privately reprimanding the respondent for their conduct;
 - (iii) a public censure of the Respondent(s);
 - (iv) a recommendation that the Respondent(s) apologize, publicly or privately, for their conduct;
 - (v) removal of the Respondent(s) from Committee/Commission membership;
 - (vi) a recommendation that the Respondent(s) attend training, counselling, or coaching relating to the conduct at issue;

- (vii) a recommendation that the Respondent(s) complete a specified number of volunteer hours;
- (viii) prohibition from representing the District at events and/or attending conferences or seminars at qRD expense;
- (ix) a recommendation that the Respondent(s) make a charitable donation of a specified or unspecified amount to a particular charity;
- (x) limiting of the Respondent(s)' access only to certain members of staff; and/or
- (xi) any other sanction that is within the authority of the Board.

15.12 Under Section 15.11(d), the Investigator may also determine to dismiss the complaint and further find it to have been filed vexatiously and frivolously. Such a finding shall constitute a breach of this Policy on the part of the Complainant(s), and the Investigator shall therefore include in the Report a recommended remedy.

15.13 The Board Chair (or Vice-Chair per Section 15.4) shall provide the Report or a summary of the Report to the Board, who must, after hearing any submissions the Respondent(s) wish to make, decide on the appropriate remedy, if any, that is warranted by a breach of this Code of Conduct.

15.14 The Board must consider the following factors when determining whether to impose a remedy on Respondent:

- (a) the degree and nature of the conduct;
- (b) whether the contravention was a single or repeated act;
- (c) whether the Council Member knowingly contravened the Code;
- (d) whether the Council Member took steps to mitigate or remedy the contravention;and
- (e) the Council Member's history of other contraventions.

15.15 Where a Director has been found by the Third-Party Investigator to have breached this Policy, and irrespective of any other recommendations in the Investigator's Report, the remuneration to which that Director would otherwise be entitled shall be impacted as described in Section 3 of the *Directors Remuneration and Expenses Bylaw No. 558*.

- (a) For clarity, the reduction in remuneration shall apply in every instance where the Third-Party Investigator has determined there has been a breach,including a breach as determined under Section 15.12 above.

15.16 In the event that a member has been found in violation of this Code of Conduct, all penalties imposed for the violation will expire at the end of the electoral term in which they were imposed.

15.17 The District will retain all Reports.

15.18 Where a member alleges a breach of this Policy by another member, all members shall refrain from commenting on such allegations at open meetings, or generally make any public comment on such a complaint pending the conclusion of the matter with the presentation of the Report to the Board under 15.13 above.

COMMITMENT:

As a member of the qathet Regional District Board or a member of a qRD Committee or Commission, I attest I have read and understood this Code of Conduct, and hereby agree to uphold and adhere to the standards and policies contained herein.

Name

Signature

Date