



POLICY NUMBER: 1-0530-1

REFERENCE:
Responsible Conduct Policy

ADOPTED BY:
Council

AMENDED DATE:
N/A

SUPERSEDES:
N/A

DEPARTMENT:
Administration

EFFECTIVE DATE:
May 10, 2023

Background:

Council wishes to establish this Responsible Conduct Policy in compliance with the *Community Charter* because Council and Committee Members:

- are keepers of the public trust and must uphold the highest standards of ethical behavior to build and inspire the public's trust and confidence in local government;
- make decisions that benefit the community, and must abide by and act lawfully and within the authorities of the *Community Charter*, *Local Government Act*, and other applicable enactments, and be free from undue influence and not act to gain financial or other benefits for themselves, family, friends, or business interests;
- wish to conduct business in a transparent, efficient, accountable and respectful fashion guided by the principles of integrity, accountability, respect, leadership, and collaboration; and
- intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour while maintaining the freedom to speak openly, debate, question, discuss, and engage with the public, Staff, Volunteers, Council Members, Committee Members and media in a respectful manner.

Policy:

PART I – GENERAL

1.1 Definitions

In this Policy:

“CAO” Means the Chief Administrative Officer for the District.

“Bully and Harass” Includes, without limitation, any unwelcome or objectionable conduct or comment that causes an individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of a Council Member, Committee Member, Volunteer, Municipal Officer, Employee, or Staff, calling someone derogatory names, hazing or intimidation practices, vandalizing personal belongings or spreading malicious and untrue rumors.



“Committee Member”	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
“Complaint”	Means a formal allegation that a Member has breached this Policy in accordance with the complaint procedure set out in Part 4 of this Policy.
“Complainant”	Means a person who has submitted a complaint under Part 4 of this Policy.
“Confidential Information”	Means information or records held in confidence by the District, including to which Section 117 of the <i>Community Charter</i> applies. For clarity, this includes all information and records from closed meetings of Council until publicly released.
“Conflict of Interest”	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter, S.B.C., 2003, c. 26</i> and the common law.
“Council Member”	Means the Mayor and Councillors for the District.
“District”	Means the District of Ucluelet.
“Employee”	Means a person in the direct employ of the District.
“Gifts and Personal Benefits”	Means an item or service of value that is received by Council and/or Committee Members for personal use. This would include, but is not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
“Member”	Means a Council Member or a Committee Member.
“Municipal Officer”	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
“Personal Information”	As defined in the <i>Freedom of Information & Protection of Privacy Act</i> .
“Respondent”	Means a Council or Committee Member whose conduct is the subject of a Complaint.
“Staff”	Means an employee of the District in a senior leadership role.
“Volunteer”	Means a person serving the District who is not a Council Member, Committee Member, Employee or Staff.

1.2 Purpose and Interpretation:

- 1.2.1 This Policy sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the CAO in exercising oversight of the Responsible Conduct Policy.
- 1.2.2 The provisions of this Policy are to be interpreted broadly and in a manner that is consistent with the *Community Charter S.B.C. 2003, c. 26*.



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1.3 Application:

- 1.3.1 This Policy applies to Council Members and Committee Members.
- 1.3.2 This Policy does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in District governance.
- 1.3.3 In the event of a conflict between this Policy and another District Policy or Council Policy governing Member conduct, this Policy prevails.
- 1.3.4 In this Policy, a reference to a person who holds an office includes a reference to the persons appointed to act for that person from time to time.
- 1.3.5 This Policy is not intended to limit, curtail or restrict in any manner respectful discussions, discourse or debate.

1.4 Severability:

- 1.4.1 If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Policy is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Policy is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

PART 2 – STANDARDS AND VALUES

2.1 Foundational Principles

These guiding principles provide a basis for how Members fulfill their roles and responsibilities in their capacity as elected or appointed officials of the District, including in their relationships with each other, Staff and with the public.

2.1.1 **Integrity:** being honest and demonstrating strong ethical principles. Members are expected to act with integrity by:

- (a) Behaving in a manner that promotes public confidence in the District, including actively avoiding any conflicts of interest, improper use of office or unethical conduct.
- (b) Being truthful, honest and open in all dealings.
- (c) Upholding the public interest and making decisions in the best interests of the community.
- (d) Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.
- (e) Acting lawfully and within the authority of the *Community Charter, Local Government Act, Workers Compensation Act of B.C. and B.C. Human Rights Code*.

2.1.2 **Accountability:** an obligation and willingness to accept responsibility or to account for one's actions. Members are expected to act with accountability by:

- (a) Being transparent in how they individually and collectively conduct business and carry out their duties.



- (b) Ensuring decisions are made in the public forum and that the public can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- (c) Accepting that they are collectively accountable for local government decisions, and that individual Members are responsible and accountable for the decisions they make in fulfilling their roles.
- (d) Listening to and considering the opinions and needs of the community in the Council decision making process, and allowing for respectful discourse and feedback.
- (e) Maintaining an open mind and willingness to change direction in the best interest of the community.

2.1.3 **Respect:** having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making. Members are expected to act with respect by:

- (a) Treating every person, including other Members, Staff, Employees, and Volunteers and the public with dignity.
- (b) Showing consideration for colleagues, Staff, Employees, and Volunteers.
- (c) Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- (d) Valuing the role of diverse perspectives and debate in decision making.
- (e) Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- (f) Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, Employees, Volunteers, the public and elected officials.

2.1.4 **Leadership and Collaboration:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts. Members are expected to demonstrate leadership and collaboration by:

- (a) Demonstrating behavior that builds and inspires public trust and confidence in local government.
- (b) Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
- (c) Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- (d) Accepting that it is the equal responsibility of the Council and Committee Members individually and collectively to work together to achieve common goals.



- (e) Being an active participant in ensuring these Foundational Principles and the standards of conduct are followed.

2.2 Interpretation

- 2.2.1 The standards and values above are to inform the interpretation of the substantive provisions of this Policy and are not to be standalone bases for complaints.

2.3 Roles and Responsibilities

- 2.3.1 Council is the governing body of the District. It has the responsibility to govern the District in accordance with *Community Charter* and other applicable legislation.
- 2.3.2 The Mayor has a statutory responsibility to provide leadership to the Council and to provide general direction to the CAO as set out by the *Community Charter*.
- 2.3.3 The CAO is Council's one employee. It is the responsibility of the CAO to ensure the programs, policies and initiatives of Council are undertaken, to keep Council informed of progress on those matters, and to provide professional advice to Council.
- 2.3.4 Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner under the direction of the CAO.

PART 3 – CONDUCT OF ELECTED OFFICIALS

3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Policy;
- (b) contravene any other District Policy or Council Policy;
- (c) contravene a law of British Columbia or Canada, including the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;
- (d) Bully or Harass a Member, Staff, Employee, the public or a Volunteer;
- (e) defame a Member, Staff, Employee, the public or a Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, Employees, Volunteers and members of the public with respect and dignity.

3.1.3 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

3.2 Interactions with Staff, Employees, Volunteers and Committee Members

- 3.2.1 A Member must direct inquiries regarding departmental issues or questions to the CAO or Director of the appropriate department and refrain from contacting Employees directly unless the communication is minor and of a day-to-day operational nature.



- 3.2.2 Members must not interfere with, hinder or obstruct Staff, Employees, Volunteers or Committee Members in the exercise or performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions.
- 3.2.3 Members must not request or require Staff or Employees to undertake personal or private work on behalf of a Member.
- 3.2.4 If a Council Member has information about Staff, Employee or a Volunteer that the Council Member wishes to bring to the attention of the District for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the CAO. On receipt of such information, the CAO shall conduct a review or investigation and address the matter in accordance with the District's employment agreements, policies and with the applicable employment law or professional responsibility enactments.
- 3.2.5 Members must not publish statements attacking other Members, Staff, Employees or Volunteers.
- 3.2.6 Information obtained by any Council Member, which is likely to be used in a Council or political debate, must be provided to all other Council Members, and the CAO.

3.3 Interactions with the Public and Media

- 3.3.1 The Mayor, or Acting Mayor, as the case may be, is the voice of Council.
- 3.3.2 Without limiting the ability of a Member to have individual discussions or discourse on a given topic, Members must not communicate on behalf of the Council or District unless authorized to do so by Council Resolution or by virtue of a position or role the Member has been authorized to undertake by Council.
- 3.3.3 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must:
 - (a) ensure that their communications relating to Council business are accurate and not issue any communication that the Member knows, or ought to have known, to be false; and
 - (b) ensure that all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, or defame any Member, Staff, Employee, Volunteer or members of the public.
- 3.3.4 Members are not to issue instructions to any of the District's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.
- 3.3.5 Outside of a Council or Committee Meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

- 3.4.1 A Member must act with decorum at Council and Committee meetings and in accordance with District of Ucluelet Council Procedure Bylaw No. 1300, 2021, as amended or replaced from time to time.



3.5 Collection and Handling of Information

3.5.1 A Member must:

- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and related District policies and guidelines;
- (b) comply with Section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
- (c) only access information held by the District for District business, and not for personal purposes; and
- (d) not alter District records unless expressly authorized to do so.

3.6 Use of Social Media

3.6.1 The provisions within this Policy apply, without limitation, to the use of a Member's personal and official social media accounts in the conduct of any business related to the duties and function of Council.

3.6.2 Members should regularly monitor their social media accounts and take measures to address the publication of messages or postings made by others in response to a Member's post that violate the terms of this Policy.

3.6.3 Members should in response to false, misleading or deceptive comments on a Member's personal or official social media account, as reasonably identified, direct the public to official District communications or factual information.

3.7 Conflict of Interest

3.7.1 A Member shall comply with the *Community Charter* by declaring Conflicts of Interest and not participate in discussion of a matter, or vote on a question in respect of that matter, where the Member has a Conflict of Interest.

3.7.2 In respect of each matter before Council, a Council Member shall:

- (a) assess whether they have a Conflict of Interest, if necessary, with the advice of the CAO; and
- (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.

3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:

- (a) notify the Mayor and CAO or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered at a meeting, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
- (b) refrain from discussing the matter with any other Member publicly or privately; and



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- (c) leave the meeting room if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

3.8 Use of Influence

3.8.1 A Member must not attempt to influence a decision of Council, a Committee, Municipal Officer, Staff or Employee if the Member has a pecuniary or non-pecuniary Conflict of Interest in relation to that decision.

3.8.2 A Member must not use their office to provide preferential treatment to any person or organization.

3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff and Employees.

3.9 Gifts and Personal Benefits

3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with the *Community Charter*.

3.9.2 A Council Member must disclose a Gift or Personal Benefit received in accordance with the *Community Charter*.

3.9.3 Committee Members must comply with Sections 3.9.1 and 3.9.2 as though they were Council Members.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

4.1 Council Members

4.1.1 Proactive Resolution

- (a) It is the preference of Council that in the event of a dispute between Members, the affected parties work towards an amicable solution or understanding independent of this Policy.
- (b) Members are encouraged to address any dispute outside of this Policy prior to formalizing any Complaint and may request the presence of the CAO, Mayor, Acting Mayor or another Member to be present at a meeting to resolve the issue.

4.1.2 Confidential Requests

- (a) If a Council Member, Committee Member, Employee or Staff believes that they have been subject to conduct by a Council Member in breach of this Policy, that person may approach the CAO on a confidential basis, without the need to file a Complaint, to request that the CAO inform the Council Member of the alleged breach. Upon receipt of this confidential request, the CAO may attempt to address the conduct with the Council Member(s).
- (b) The CAO must protect the confidentiality of a person making a request under Section 4.1.2 (a) unless the person making the request consents to disclosure.

4.1.3 Complaint Procedure

- (a) A Council Member, Committee Member, Staff or Employee may submit a Complaint to the CAO.



- (b) A Complaint must be in writing and describe with sufficient detail:
 - i. the name of the Complainant;
 - ii. the name of the Respondent;
 - iii. the conduct that the Complainant alleges to have breached the Policy;
 - iv. the date of the alleged conduct;
 - v. the part or parts of this Policy that the Complainant alleges has or have been breached; and
 - vi. the basis for the Complainant's knowledge about the conduct.
- (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- (d) The CAO may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.3 (b) if, in the CAO's opinion, the circumstances warrant.
- (e) The CAO must not accept multiple Complaints concerning the same matter. In the event that the CAO receives multiple Complaints concerning the same matter, the CAO must proceed with the first Complaint accepted, but may expand the Complaint and add Complainants for the purpose of conducting the investigation and preparing the Investigation Report.
- (f) The CAO must reject a Complaint received more than 60 (sixty) days after the Complainant knew or reasonably ought to have known of the conduct alleged to be a breach of this Policy. The CAO is authorized to extend this 60 (sixty) day deadline up to a further 60 (sixty) days if circumstances warrant an extension.
- (g) The CAO must defer a Complaint received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day until after the election.
- (h) In the ninety (90) days prior to general voting day, the CAO may suspend any investigation underway.
- (i) The CAO must prioritize and expedite the Complaint and resolution process to minimize the time between the initial Complaint and any resolution of the complaint.

4.1.4 Preliminary Assessment

- (a) On receipt of a Complaint, the CAO must conduct a preliminary assessment within five (5) business days and if at that time, or any time thereafter, the CAO is of the opinion that:
 - i. the statement is not with respect to a breach of this Policy;
 - ii. the Complaint is frivolous, vexatious, or not made in good faith;
 - iii. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or



- iv. there are no grounds or insufficient grounds for concluding that a violation of this Policy has occurred;

the CAO must notify the Complainant in writing that the CAO is closing the Complaint, set out the reasons therefore, and close the Complaint.

4.1.5 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that on its face is not made with respect to a breach of this Policy, or if a Complaint would be more appropriately addressed through another process, including but not limited to if the Complaint is:
 - i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
 - ii. with respect to non-compliance with a more specific Council Policy or District Policy with a separate Complaint procedure; or
 - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint;

the CAO may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this Policy, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and referrals the CAO thinks appropriate.

- (b) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the CAO may close the Complaint and notify the Complainant and Respondent of this decision.
- (c) Where the Complainant wishes to withdraw the Complaint at any point in the investigation, and it would be appropriate in the circumstances to allow the withdrawal, the CAO may close the Complaint and notify the Respondent (where applicable) and Complainant of this decision.

4.1.6 Informal Resolution:

- (a) When the CAO has determined to proceed with a Complaint, the CAO must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the CAO may either attempt to resolve the Complaint directly, or refer the Complaint to a suitable person to assist with the resolution of the Complaint.
- (b) The CAO or designated person will work towards an informal resolution of the Complaint within five (5) business days of completing the preliminary assessment.
- (c) If the Complaint cannot be resolved informally, the CAO must commence a formal investigation.
- (d) If a person other than the CAO is assisting in resolving the Complaint and the Complaint:
 - i. is resolved informally, the person assisting in resolving the complaint must notify the CAO in writing of the terms of the resolution, upon receipt of which, the CAO must close the Complaint.



- ii. cannot be resolved informally the person assisting in resolving the Complaint must refer the Complaint back to the CAO for a formal investigation.

4.1.7 Investigations

- (a) The CAO must determine whether the Complaint will be investigated by the CAO or a third-party investigator (the "Investigator") designated by the CAO.
- (b) If an Investigator is assigned, the CAO must appoint the Investigator within fifteen (15) business days of determination of the need for a formal investigation.
 - i. The Investigator may conduct an additional preliminary assessment of the Complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommendation to the CAO.
 - ii. If the Investigator determines to continue with the Complaint, the 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 thirty (30) days of their appointment to the CAO, Mayor or Acting Mayor (as applicable), and to the Complainant and the Respondent;
 - c. provide a written report (the "Investigator's Report") of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the Mayor or Acting Mayor (as applicable), CAO, Complainant, and the Respondent; and
 - d. provide recommendations in the Investigator's Report as to the appropriate resolution of the Complaint, and if a breach is found, the appropriate remedy as provided under Part 5.
- (c) If the CAO conducts the investigation, the CAO 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 thirty (30) days of commencing the investigation to the Mayor or Acting Mayor, as applicable, and to the Complainant and the Respondent;
 - c. provide a written report (the "CAO's Report") of the findings of the investigation, including findings as to whether there has been a breach of this Policy, to the Mayor or Acting Mayor (as applicable), Complainant, and the Respondent; and
 - d. provide recommendations in the CAO's Report as to the appropriate resolution of the Complaint, and if a breach is found, the appropriate remedy as provided under Part 5.



- (d) Where it is found that a Council Member did breach this Policy, but the Council Member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the CAO will state this in the CAO's Report or a report appended to the Investigator's Report and may recommend that no sanction(s) be imposed.

4.1.8 Adjudication and Reporting:

- (a) If the Investigator's Report or CAO's Report (collectively the "Investigation Report"), finds that the Respondent did not violate this Policy, the CAO must:
 - i. deliver a copy of the Investigation Report or, where appropriate, a summary thereof, to the Complainant, Respondent and Council; and
 - ii. present the Investigation Report at a Council meeting.
- (b) If the Investigator's Report or CAO's Report, finds that the Respondent violated the Policy, the CAO must:
 - i. deliver, on a strictly confidential basis, a copy of the Investigation Report to the Respondent;
 - ii. deliver a copy of the Investigation Report to the Complainant and Council five (5) business days after delivery of the investigation report to the Respondent; and
 - iii. present the Investigation Report at a Council meeting.

4.1.9 Final Determination by Council

- (a) Council must, within ten (10) business days of delivery of the Investigation Report to Council under section 4.1.8 or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, and take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding recommendations set out in the Investigation Report, the Respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an Investigation Report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when Council deliberates and votes on the Investigation Report, it will do so in a public meeting and the Investigation Report must be made available to the public in a form that complies with Section 4.1.10 (a).
- (d) Notwithstanding Section 4.1.9 (c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under Section 90 of the *Community Charter*.

4.1.10 Report to be Public

- (a) Upon conclusion of an investigative process and a copy of the Investigation Report has been received by the Complainant, Respondent and Council, the District shall make the Investigation Report available to the public in accordance with the *Freedom of Information and Protection of*



Privacy Act, and ensure that appropriate redactions are applied prior to public release.

4.1.11 Confidentiality of the Investigation

All reasonable efforts must be made to investigate Complaints in confidence.

- (a) The CAO and every person acting under the CAOs' instructions must preserve confidentiality with respect to all matters that come into the CAO's knowledge in the course of any investigation or Complaint except as required by law.
- (b) An Investigation Report must only disclose such matters as, in the CAO's opinion, are necessary for the purpose of the Investigation Report.
- (c) A notification issued pursuant to Sections 4.1.4 (a), 4.1.5 (a), (b) and (c), 4.1.6 (d) are confidential and must not be disclosed except in the following circumstances:
 - i. to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to Section 4.3.1; and
 - ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Policy.

4.2 Reprisals and Obstruction

4.2.1 No Council Member, Committee Member, Staff or Employee will obstruct the CAO and where applicable the Investigator, in the carrying out of their duties or responsibilities.

4.2.2 No Council Member, Committee Member, Staff or Employee will threaten or undertake any active reprisal against a Complainant or against a person who provides information to the CAO and where applicable the Investigator, in the context of an investigation.

4.2.3 No Council Member, Committee Member, Staff or Employee will tamper with or destroy documents or electronic records related to any matter under investigation under this Policy or refuse to respond to the CAO and where applicable the Investigator, when questioned regarding an investigation.

4.2.4 Any individual covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described below, or in the case of Staff, disciplinary action up to and including the termination of employment for just cause, as applicable.

4.3 Reimbursement of Costs

4.3.1 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal Complaint process outlined in this Policy. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

- (a) It is the Council Member's first formal Complaint process; and
- (b) The amount does not exceed \$10,000.

4.3.2 A Committee Member, excluding Council Members duly appointed by Council to act on a board or



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committee as a Committee Member, are ineligible for reimbursement for the costs of legal advice and representation in responding to the formal Complaint process outlined within this Policy.

4.4 Vexatious Allegations and Complaints

4.4.1 Any individual covered by this Policy who makes an allegation or Complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:

- (a) In the case of Council Members, sanctions and remedies described in Part 5.
- (b) In the case of Committee Members, termination of the Committee Member's appointment.
- (c) In the case of Staff or Employees the termination of employment for just cause, as applicable.

PART 5 – COUNCIL REMEDIES

5.1 Remedies

The sanctions that may be imposed by Council for a violation of this Policy by a Council Member include the following:

- (a) a letter of reprimand from Council addressed to the Council Member;
- (b) a request from Council that the Council Member issue a letter of apology;
- (c) the publication of the letters contemplated in Subsections (a) and (b), along with the Council Member's written response, if any;
- (d) directions to the CAO regarding the provision of documents, including documents containing Confidential Information, to the Council Member;
- (e) a recommendation that the Council Member attend specific training;
- (f) limitations on access to certain District facilities;
- (g) suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed by Council;
- (h) prohibition from representing the District at events and/or attending conferences and seminars;
- (i) suspension or removal of the appointment of a Council Member as the Acting Mayor;
- (j) public censure of a Council Member;
- (k) reduction in compensation; and
- (l) any other sanction recommended in the Investigation Report, so long as that sanction is within the authority of Council.



PART 6 – COMMITTEE MEMBERS

6.1 Committee Members

- 6.1.1 Committee Members are subject to this Policy to the extent that they are acting within their authority as a duly appointed Committee Member.
- 6.1.2 Part 5 of this policy does not apply to Committee Members. All remaining provisions this Policy apply to Committee Members except to the extent that contrary or alternate provisions are set out in this section.
- 6.1.3 A Complaint must comply with and be processed in accordance with the standards and rules set out at Section 4.1.3, except the Complaint must be submitted simultaneously in writing addressed to the Mayor and CAO.
- 6.1.4 The Mayor shall consider alleged breaches of this Policy by Committee Members, direct any enquiries they consider appropriate or desirable be undertaken, including a referral to the CAO, and recommend appropriate disciplinary action to Council.
- (a) The Mayor may recommend that Council take any actions provided for in this Policy that the Mayor considers reasonable in the circumstances.
 - (b) Where Council finds that a Committee Member has breached this Policy, Council may decide by resolution to:
 - i. Require the Committee Member apologize to any person adversely affected by the breach;
 - ii. Provide counsel to the Committee Member;
 - iii. Terminate the Committee Member's appointment; or
 - iv. Implement such other measures as Council deems appropriate.

Marilyn McEwen

Mayor

Duane Lawrence

Chief Administrative Officer