



The Corporation of the District of Ucluelet  
**MUNICIPAL POLICY MANUAL**

**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.



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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.



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- (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.





### 3.5 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



- (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



- 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.





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*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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**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