



## Board Policy

Section:	Board Policies
Sub-Section:	
Title:	<b>Code of Conduct</b>

### APPROVALS

Approval Date: August 15, 2018	Approved by: Cultus Lake Park Board
Amended:	Approved by:
Amended:	Approved by:
Amended:	Approved by:

<b>RELATED POLICIES</b>
Discrimination, Bullying and Harassment Prevention Policy
Respectful Workplace Policy
Whistle Blower Protection Policy

## 1. PURPOSE

To set minimum expectations for the behaviour of Cultus Lake Park Board members, staff and Appointed Committee members in carrying out their functions.

## 2. SCOPE

Cultus Lake Park Board members, staff and Appointed Committee members.

## 3. DEFINITIONS

**“Committee Member”**: means a person sitting on a select committee, advisory committee, task force, or other Board established body.

**“Confidential Information”**: means information that could reasonably harm the interests of individuals or organizations, including the Cultus Lake Park, if disclosed to persons who are not authorized to access the information.

**“Board Member”**: means each elected members of the Cultus Lake Park Board.

**“Staff”**: means an employee or contract employee of Cultus Lake Park, and includes staff that support Advisory Bodies.

**“Cultus Lake Park or Park”**: means the area within the Cultus Lake Park boundaries and the foreshore assigned to Cultus Lake Park by the Province of British Columbia.

**“The Board”**: the elected members of Cultus Lake Park Board as a whole.

## 4. POLICY STATEMENTS

### 4.1 Integrity:

Board members are keepers of the public trust and must uphold the highest standards of ethical behaviour and are expected to:

- a. Be truthful, honest, and open in all dealings, including those with other Board members, staff and the public.
- b. Ensure that their actions are consistent with the shared principles and values collectively agreed to by the Board members.
- c. Follow through on their commitments, correct errors in a timely and transparent manner, and engage in respectful communication with the community.
- d. 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. Behave in a manner that promotes public confidence in all of their dealings.
- f. Question any request to act or make a decision that they think may be unethical or unlawful; and
  - o Should there be uncertainty about the ethical issues around a conduct or decision, Board members should consider the following:
    - Is the conduct or decision lawful?
    - Is the conduct or decision consistent with Cultus Lake Park policies, the Board’s objectives and the Code of Conduct?
    - Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
    - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

#### **4.2 Respect:**

Board members, staff and committee members must conduct public business efficiently, with decorum and with proper attention to Cultus Lake Park's diversity. Board members, staff, and committee members are expected to:

- a. Treat every person with dignity, understanding and respect.
- b. Show consideration for every person's values, beliefs, and contributions to discussions.
- c. Demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive.
- d. Not engage in behaviour that is indecent, insulting or abusive. This behaviour includes unwanted physical contact, or other aggressive acts that may cause any person harm or makes them feel threatened or uncomfortable.

#### **4.3 Accountability:**

Board members are obligated to:

- a. Be responsible for the decisions that they make and be accountable for their actions and the actions of the collective Board.
- b. Listen to and consider the opinions and needs of the community in all decision making, and allow for appropriate opportunities for input and feedback.
- c. 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.

#### **4.4 Leadership and Collaboration:**

Board members are expected to:

- a. Behave in a manner that builds public trust and confidence in the Cultus Lake Park Board.
- b. Consider the issues before them and make decisions as a collective body. As such, Board members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will accept the decision of the majority and speak with one voice about the decision and its rationale.
- c. Recognize that vigorous discourse is part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- d. Be leaders of their community, calmly facing challenges, and provide direction on the issues of the day while empowering their colleagues and staff to do the same.
- e. Recognize and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship between other members, staff and the public.
- f. Recognize the importance of the role of the Chair of meetings, and treat that person with respect at all times.

#### **4.5 Handling of Information:**

Board members, staff and Committee members must:

- a. Protect information that is specifically marked confidential and other material understood to be confidential in nature.
- b. Refrain from discussing/disclosing any Confidential Information with/to other staff, or with persons outside the organization except as authorized.
- c. Take reasonable care to prevent the examination of confidential material by unauthorized individuals.
- d. Not use Confidential Information with the intention to cause harm or detriment to the Board or any other person or body.
- e. Only access information needed for Park business.
- f. Only use Confidential Information for the purpose it is intended to be used.
- g. Only release information in accordance with established Board policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act*.
- h. Not disclose decisions, resolutions or report contents from a closed meeting of the Board until a corporate decision has been made for the information to become public.
- i. Not disclose detail on the Board's closed meeting deliberations or specific detail on whether individual Board members voted for or against an issue.

Except in the normal course of duties, Board members, staff or Committee members must not in any way change or alter Cultus Lake Park records or documents.

#### **4.6 Conflicts of Interest:**

- a. Board members, staff and Committee 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 order to gain financial or other benefits for themselves, family, or business interests.
- b. A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.
- c. Board members, staff and Committee members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.
- d. Part 4, Public Participation and Council Accountability, Division 6 – Conflict of Interest of the *Community Charter* sets out requirements with respect to conflict of interest, including procedures mandated for disclosure of such interests and matters relating to the acceptance of gifts, the use of insider information and disclosure of contracts. These requirements, while not mandatory to Cultus Lake Park under the *Cultus Lake Park Act*, they provide guidelines and are best practices and Board members, staff and Committee members should follow them. In the event of a conflict or perceived conflict, Board members, staff and Committee members may seek legal advice.
- e. Board members, staff and Committee members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead member of the public to believe that they are seeking preferential treatment.

- f. Staff must fully disclose to their supervisor or the Chief Administrative Officer any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practicable.
- g. Committee members must fully disclose to the Chief Administrative Officer any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately.
- h. When staff or Committee members are uncertain whether a conflict exists, the situation must be immediately presented to the Chief Administrative Officer for guidance.
- i. Staff and Committee members must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.

#### **4.7 Breaches, Complaint Handling and Disciplinary Action:**

Board members, staff and Committee members are to abide by the requirements of the *Community Charter* and this Code of Conduct, and will endeavour to resolve interpersonal disputes in good faith.

##### Board members

- a. Alleged breaches of this Code of Conduct by Board members will be submitted in a written complaint addressed to the Board Chair within six (6) months of the last alleged breach. In the event that the Board Chair is the subject of, or is implicated in a complaint, the complaint will be addressed to the Vice Chair.
- b. Upon receipt of a complaint under Section 4.7 a., the Board Chair or Vice Chair will, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint.  
The Third Party Investigator:
  - i. May conduct a preliminary assessment of the complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;
- c. If the Third Party Investigator determines to continue the complaint, the Third Party Investigator will:
  - i. 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;
  - ii. Provide an investigation update within ninety (90) days of his or her appointment to the Board Chair or Vice Chair, as applicable, and to the Complainant and the Respondent;
  - iii. Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Board Chair or Vice Chair, as applicable, and to the Complainant and the Respondent; and

- iv. Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
  - Dismissal of the complaint; or
  - Public censure of a Board member or members for misbehavior or a breach of this Code of Conduct;
  - A requirement that a Board member or members apologize to any person adversely affected by a beach of this Code of Conduct;
  - Counselling of a Board member or members; and/or
  - Such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.
- v. The Chief Administrative Officer will receive and retain all Reports prepared under 4.7 c. ii and iii.
- vi. Where a Board member alleges a breach of this Code of Conduct by a fellow Board member, all Board members will refrain from commenting on such allegations at meetings of the Board.

#### Committee members

- a. Alleged breaches of this Code of Conduct by Committee members will be submitted in a written complaint addressed to the Board Chair within six (6) months of the last alleged breach.
- b. The Board Chair will consider alleged breaches of this Code of Conduct by Committee members, direct that any enquiries he or she considers appropriate or desirable be undertaken, and recommend appropriate disciplinary action to the Board.
- c. The Board Chair may recommend that the Board take actions provided for in the Code of Conduct that the Board Chair considers reasonable in the circumstances.
- d. Where the Board finds that a Committee member has breached this Code of Conduct, the Board may decide by resolution to:
  - i. Censure the Committee member for misbehavior;
  - ii. Require the Committee member to apologize to any person adversely affected by the breach;
  - iii. Counsel the Committee member;
  - iv. Terminate the Committee member's appointment; or
  - v. Implement such other measures as the Board deems appropriate.

#### Park Staff and Contract Employees:

- a. Alleged breaches of the Code of Conduct by staff or contract employees will be reported in writing to the Chief Administrative Officer.
- b. Breaches of this Code of Conduct by staff party to collective agreements will be handled through existing collective agreements including identified grievance and arbitration processes. These mechanisms include the ability for Cultus Lake Park to take appropriate disciplinary action up to and including dismissal.
- c. Breaches of this Code of Conduct by exempt staff will be handled through existing processes and in accordance with current employment law. The Chief Administrative Officer with assistance from the Human Resource department review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.
- d. Consequences associated with breaches of this Code of Conduct by contract employees will be handled through existing processes and in accordance with current employment law.