

		<b>POLICY AND PROCEDURE MANUAL</b>	
<b>Category:</b> Administrative Services	<b>Number:</b> ADM.24(C)	<b>CODE OF RESPONSIBLE CONDUCT</b>	
<b>Type:</b>		<b>Authority:</b>	<b>Approved By:</b>
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure		<input checked="" type="checkbox"/> Council <input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Department Head
<b>Office of Primary Responsibility:</b> Corporate Administration			
<b>Date Adopted:</b> May 15, 2023	<b>Council Resolution No:</b> RC23-227	<b>Date to be Reviewed:</b> January 1, 2027	
<b>Manner Issued:</b> Pipeline, City of Mission website			

**BACKGROUND:**

The *Code of Responsible Conduct* (the “Code”) is a written document developed for the purpose of promoting responsible and ethical conduct of local government officials. It establishes shared standards and expectations with respect to the conduct, comportment, decorum and behavior of individual elected officials and the collective governing body.

As Mayor and Councillors (“Members”), we recognize that responsible conduct is essential to providing good governance for the City of Mission (“City”).

To fulfil our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that foundational principles and standards of conduct are followed in all our dealings with every person including those with other Members, Staff and the public.

**PURPOSE:**

The purpose of this policy is to set shared expectations for conduct or behavior for how members of Council should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for the community.

**POLICY:**

**1. Definitions**

“**Administration**” means the Corporate Services Department, which is responsible for ensuring that the policies, programs and other directions of Council are implemented.

“**Bullying and Harassment**” has the meaning defined in the City’s Respectful Workplace Policy.

“**City**” means the City of Mission.

“**Complainant**” is a person or group of persons that files a complaint under this Policy.

“**Complaint**” is a formal statement of a breach of this Policy, brought forward verbally or in writing. If the Complaint is brought forward verbally, the Complainant must be clear and specific that this is a formal complaint.

“**Council**” means the duly elected officials of the City, those being the Mayor and Councillors.

“**Council Policy**” means Policy statements that provide strategic direction on programs and services delivered by the City which impact or affect citizens or customers, and/or Policy statements that require Council’s approval because of legislative or regulatory requirements.

“**Discrimination**” has the meaning defined in the City’s Respectful Workplace Policy

“**Member(s)**” means the Mayor or a Councillor.

“**Policy**” means general statements or guidelines that are high-level in nature, as opposed to being operationally oriented, which direct a plan, course of action or decision, according to a standard or performance outcome.

“**Respondent**” is a person who is the subject of a Complaint and is in the position to defend their behaviour or actions.

“**Sexual Harassment**” has the meaning defined in the City’s Respectful Workplace Policy.

“**Staff**” means an employee or contract employee of the City of Mission.

## 2. Framework

- a) Municipalities are recognized under the *Community Charter* of British Columbia as an independent, responsible and accountable order of government within their jurisdiction for the purpose of:
  - providing good government for its community;
  - providing the services and other things that the Council considers are necessary or desirable for all or part of its community;
  - providing for stewardship of the public assets of its community, and
  - fostering the current and future economic, social and environmental well-being of its community.
- b) Council has the legislated authority to make decisions that affect the daily lives of citizens, families, businesses and other community stakeholders.
- c) Council also has the authority to establish, or help establish, the long-term vision for the communities they serve based upon community and citizen engagement, collaboration and informed decision making.
- d) Responsible conduct refers to how Members conduct themselves, individually and collectively, through their interactions with other Members, Staff, citizens, other local government stakeholders, the media, and through social media in the exercise of their authority.
- e) Responsible conduct is founded on 4 key foundational principles described below to provide Members with a shared understanding of what responsible conduct is.
  - i) **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable and is demonstrated by the following conduct:

- be honest and open in all matters and in all dealings with their elected colleagues, Staff, citizens, other local government stakeholders, the media, and through social media in their role as a representative of the City;
  - ensure that their actions are consistent with the shared principles and values collectively agreed to by the City;
  - follow through on their commitments in a timely manner;
  - correct errors in a timely, transparent and reasonable manner;
  - engage in respectful communication, dialogue and debate in all matters and in all dealings at all times;
  - make informed and well-reasoned decisions by directing their minds to the merits of the matter before them for consideration, ensuring that they act on the basis of relevant information, legal implications, and in consideration of the consequences of their decisions;
  - conduct themselves in a manner that upholds the public interest and that promotes and inspires public confidence and trust in local government;
  - conduct themselves in a manner which avoids any perception of conflict of interest, improper use of office, or other unethical or illegal conduct and is in compliance with obligations under division 6 of the *Community Charter*; and
  - conduct themselves in a manner that is consistent, fair, non-prejudicial, non-discriminatory and unbiased in all their dealings as a local government official or representative.
- ii) **Respect** – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Respect is demonstrated through the following conduct:
- treat every person with dignity, understanding, courtesy, politeness, civility and respect irrespective of differences of opinion, perspectives, beliefs, traditions or values;
  - respect the role of the Mayor or other presiding members and will conduct themselves accordingly during meetings, and will furthermore abide by the rules of procedure adopted by the City;
  - demonstrate awareness of their own conduct and behavior, and manage and adjust their conduct and behavior accordingly and as circumstances warrant;
  - create an environment of trust and will consider and be sensitive to how their words, language, conduct and behavior can be perceived by others as offensive, rude, derogatory, disrespectful, discriminatory, aggressive, combative, insulting, inflammatory or otherwise hurtful or inappropriate; and
  - not engage in conduct or behaviors that are deemed to be indecent, obscene, insulting, abusive or otherwise unbecoming to a local government elected official or representative.
- iii) **Accountability** – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when Members:
- are responsible for, and will accept responsibility for decisions they make as an elected official for the City;

- are accountable for their individual actions, and for the actions of the collective governing body;
  - actively listen to and consider the opinions, viewpoints and needs of the community in all decision-making, and will allow for meaningful and appropriate opportunities for citizen and community input, engagement, discourse and feedback;
  - carry out their business, duties and responsibilities in an open and transparent manner ensuring that the public understands the process and rationale used to reach informed decisions and the reasons and justifications for taking certain actions; and
  - ensure that information is accessible to the extent possible under law, while also protecting privacy and confidentiality where appropriate, necessary or in accordance with the *Freedom of Information and Protection of Privacy Act* of British Columbia, and the confidentiality provisions of the *Local Government Act* and *Community Charter* of British Columbia.
- iv) **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:
- proactively and routinely monitor and measure their performance in order to ensure that the foundational principles with respect to responsible conduct are being followed by all Members and the collective governing body;
  - recognize that vigorous discourse and debate on a matter is integral to the democratic process and will encourage healthy, respectful and constructive debate and diverse perspectives prior to taking a decision;
  - consider the issues before them and will make decisions as a collective governing body;
  - as leaders of their communities, empower each other and Staff to face challenges, obstacles, controversy and adversity calmly, respectfully, diplomatically, and with due consideration while endeavoring to find effective and appropriate solutions;
  - recognize and value the distinct roles and responsibilities that others play in providing good governance and will commit to fostering a positive working relationship between other Members, Staff, citizens, the media and other local *government* stakeholders;
  - show respect for the professional capacities of Staff and refrain from making public statements attacking or disparaging Staff; and
  - refrain from involving Staff in matters for political purposes.
- f) Members have a duty to act in accordance with the law, including but not limited to the common law, the *Local Government Act*, *Community Charter*, *Workers' Compensation Act*, *Freedom of Information and Protection of Privacy Act*, and *Human Rights Code of British Columbia*, and applicable provincial and federal legislation.

### 3. Commitment to Responsible Conduct:

- a) Members acknowledge that responsible conduct is based upon the four foundational principles outlined in section 2: **Integrity, Respect, Accountability, and Leadership and Collaboration** to which the Council individually and collectively subscribes. Furthermore,

it is expressly acknowledged that these foundational principles will set out expectations as to how Members both individually and collectively, will conduct themselves as representatives of the City.

- b) As set out in this *Code of Responsible Conduct*, Members expressly commit to holding themselves up to the highest ethical standards, individually and as a collective governing body, as they exercise their authority, fulfill their obligations, discharge their duties, and in all of their dealings, with every person, including their elected colleagues, Staff, citizens, the media and other local government stakeholders.

**4. Application and Interpretation:**

- a) This *Code of Responsible Conduct* applies to every Member.
- b) It is the express responsibility and obligation of each Member to uphold both the letter and spirit of this *Code of Responsible Conduct* in their dealings with each other, Staff, citizens, the media and other local government stakeholders.
- c) This *Code of Responsible Conduct* is intended to be interpreted and applied in a manner that is consistent with the common law, all applicable Federal and Provincial Laws, as well as the bylaws and policies of the City of Mission, along with any other legal obligations which apply to Members individually and as a collective governing body.
- d) Members expressly acknowledge they will act in a manner consistent with Schedule 1.
- e) Should a Member or a Staff person wish to make a complaint under this *Code*, they shall use the Complaint Process set out in Schedule 2.

**5. Acknowledgement and Sign Off:**

Members will be required to demonstrate their commitment to responsible and ethical conduct by:

- a) signing an Oath of Office at the inaugural Council meeting, as set out in the Election Procedures Bylaw 2669-1993, which incorporates the City's *Code of Responsible Conduct*, and
- b) reviewing this *Code of Responsible Conduct* annually, except for the year in which a Member has already signed an Oath of Office, and signing the following affirmation:

**Code of Responsible Conduct Annual Review**

I affirm that I have read and understand and agree to abide by the City of Mission's *Code of Responsible Conduct*.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

***Schedules 1 and 2 on pages following***

## Schedule 1

**As a member of the City of Mission Council, I hereby agree that I will:**

### **Attend and Prepare for Proceedings:**

- Attend the entirety of all Council meetings, arriving on-time.
- Advise the Mayor (or Acting Mayor) and staff at least one day in advance if I cannot attend a meeting due to an appointment, vacation, or scheduling conflict.
- Advise the Mayor and staff no later than the morning of a scheduled meeting if I am unable to attend due to illness or any other exceptional circumstance.
- Arrive at Council meetings having fully read the agenda and attached materials.
- Participate fully, engage in meaningful debate, especially when not in agreement.

### **Use Correct Meeting Conduct and Communications Procedures:**

- Abide, always, with Robert's Rules of Order and the City of Mission's procedural bylaws.
- Abide, always, with the City of Mission's communication procedures.

### **Raise Concerns Effectively and Respectfully:**

- Only discuss, in private and in-person, concerns I may have about the behaviour of another Council member, unless I believe that the behaviour of the Council member violates the Community Charter, Local Government Act or the City of Mission's Code of Conduct.
- Only write, in confidence, to the CAO and Mayor with any concerns I may have about the behaviour of a Council member (where I believe the member may have violated the Community Charter or the City of Mission's Code of Conduct) describing those concerns and requesting an investigation as per the Code of Responsible Conduct. Where the concern is about the conduct of the Mayor, I shall address my concerns to the CAO alone.
- Only raise, in confidence, to the CAO and Mayor, any concerns I may have about the conduct of a staff member or contractor. Where the concern is about the conduct of the CAO, I shall address my concerns to the Mayor alone.

### **Keep and Submit Accurate Records:**

- Maintain and submit (by designated deadlines) accurate records and receipts reflecting expenses incurred as part of my duties, including mileage records.
- Separate any personal expenses from receipts or records before making any submission (ask the Executive Assistant for assistance if required).

### **Attend Events:**

- Attend and participate in events for which the City is paying for my travel, accommodations, or registration.

### **Accurately Represent the City:**

- Speak on behalf of the City only when I have been empowered by Council resolution or designated as the Acting Mayor (in the absence of the Mayor).
- When communicating on behalf of the City, ensure that my remarks are factually accurate and complete.
- Actively state at the onset, that I am not representing the City, when speaking at events other than those designated as Council activities. Designated activities include (but are not limited to) Council meetings, select committee meetings, meetings as a Council liaison. Examples of activities not designated as Council activities include (but are not limited to) faith gatherings, partisan political events, fundraisers by private or non-profit organizations, protests, and campaign events.

- When attending events on behalf of the City, acknowledge the presence of other Members and of senior staff in attendance.
- When invited to a community event, share the invitation with other Members unless directed not to by the host.

**Take Care of City Property:**

- Return City property in good condition at the end of my term in office.
- Return City property immediately if so resolved by Council.
- Ensure that no person other than myself uses City property which has been assigned to me.

**Deal with Gifts Ethically:**

- Comply with the *Community Charter*.
- Refuse gifts and favors from businesses or individuals who conduct business (or who are attempting to conduct business) with the City other than:
  - o the exchange of hospitality between persons doing business together;
  - o tokens exchanged as part of cultural or intergovernmental protocol; or
  - o the normal presentation of gifts to persons participating in public functions.
- Declare any gifts received to the CAO and the rest of Council no later than one week after receipt when the following criteria is not met:
  - o the benefit is lower than \$25 in value; and/or,
  - o the exchange creates no obligation or perception of obligation.
- Only accept tickets to events where I am participating as a representative of Council.
- Hand over gifts which cannot be returned or refused (e.g., gift baskets) to the CAO for the City's distribution.

**Avoid Conflict of Interest:**

- In circumstances where a real, perceived, or potential conflict of interest ("Conflict") exists, seek the input of the CAO and Corporate Officer before participating in any aspect of decision-making on the matter. If the CAO and/or Corporate Officer advise that a Conflict exists, I shall recuse myself from all aspects of the decision-making process, including communications outside of Council meetings.
- Even if the CAO and/or Corporate Officer advise that a Conflict does not exist, I may still choose to recuse myself from the decision-making process. Once I have made the decision to recuse myself, I will not participate in any aspect of the decision-making, including communications outside of Council meetings.
- When voting in a decision where I have received a campaign contribution, I will disclose it in my public remarks.

**Respond to Legal or Insurance Claims in a Manner that Mitigates Taxpayer Risk:**

- In circumstances where I am asked to receive information from a person who states that they may have a legal or insurance claim against the City, seek guidance through the CAO before taking any action.
- If information is shared with me, share it with City immediately, through the CAO.
- Listen to the comments and concerns raised by the other party without taking a position until the City has arrived at a clear and specific resolution.
- In advance, notify the Mayor or the CAO if I intend to support a participant in any legal proceeding or tribunal against the City, or if I intend to take a different position than the City.

**Respond Appropriately to Technical Inquiries:**

- In circumstances where I am asked to intervene in a technical matter involving staff including, but not limited to, bylaw enforcement, fire inspection, policing, building inspection, taxation, subdivision, or engineering, I will respond either by:
  - o Directing the inquiring person to the correct staff person or department, or
  - o Asking the CAO to connect the correct staff person or department to the person, or,
  - o Asking the CAO to seek information from the correct staff person or department so that it can be shared by the Council member.
- In circumstances where a Council member believes that a technical matter has not been addressed in a timely, professional, fair, or reasonable manner, I will raise my concerns through the CAO and Mayor only and will ask for the CAO to address the concerns.
- Where I believe that a technical matter is the byproduct of a flawed policy or inadequate resources, I will bring the matter before Council as a resolution.

**Inform Council of Alleged Unbecoming Conduct:**

- Notify the CAO immediately, in instances where I am made aware that I may be the subject of:
  - o A lawsuit other than a family court matter
  - o Unflattering media coverage
  - o A criminal investigation or statutory charge

**Notify of Legal Action:**

- Notify the CAO and Mayor immediately of instances where I am party to a legal action that may, in any way, involve the City or persons employed or contracted by the City or bring the City into disrepute.

**Respond Appropriately to Vendor Inquiries:**

- Refer any party making business inquiries to the CAO and inform them of our Council purchasing and delegating policy.

**Maintain Confidential Electronic Participation:**

- Turn off my personal cellular device(s) and ensure I am not broadcasting by any other devices during closed meetings.
- When participating remotely in meetings related to sensitive or confidential matters, ensure that I am entirely alone and that the discussion cannot be overheard by anyone else.

**And that I will not:**

**Make False Statements:**

- Make any statement that I know to be entirely or partially false while conducting any aspect of my duties as an elected official.

**Disclose Confidential Information:**

- Disclose any information received during a closed meeting, except when Council has resolved to release that information. When information is released, I will follow the release process described in the Council resolution.
- Disclose any information (written or verbal) that is clearly identified as “confidential” or “private.”



**Make Accusations:**

- Publicly accuse another Councillor, staff member, or contractor of unethical conduct, unless an investigation has confirmed such conduct and Council has resolved to share the results of said investigation.
- Engage in criminal behaviour or violate laws that may undermine the confidence of the public or Council.
- File a complaint about a Councillor or staff person that I know to be untrue.

**Fail to Protect Information:**

- Allow written or electronic records of City business to be maintained in a fashion that makes them vulnerable to theft or exploitation. Without limiting the foregoing, this includes sharing passwords, allowing others to access City-owned devices, leaving sensitive documents where others may see them, and conducting sensitive conversations in places where others may overhear.
- Share passwords, keys, or fobs with anyone.

**Engage in Conflict of Interest:**

- Participate in any decision that may cause me or members of my family to receive a personal financial benefit beyond that of my Council remuneration and beyond that of a member of the community.

**Misrepresent the City:**

- State that I am speaking on behalf of the City or Council in any matter where I have not been authorized to do so by Council resolution or because I am serving as the Acting Mayor (in the absence of the Mayor).
- Make an offer toward any agreement or assent to any agreement unless authorized to do so by Council resolution or because I am serving as the Acting Mayor (in the absence of the Mayor).
- State a personal or individual position on an active matter involving a legal or insurance claim.

**Compromise Participation in Meetings and Events:**

- Attend meetings or Council events under the influence of alcohol or any other intoxicant.
- Attend meetings or Council events in any physical or mental condition that limits my ability to perform my duties, or which may limit the ability of others to perform their duties.
- Behave in any way that interferes with a Councilor being able to participate in a meeting.

**Make Inappropriate Expenditures:**

- Use City funds to purchase alcohol, cannabis, or other intoxicants.
- Use City funds to pay a gratuity greater than 20%.
- Use City facilities, equipment or resources for personal gain or anything other than City business.
- Request that staff undertake any private work for me.

**Engage in Disrespectful or Disruptive Interpersonal Conduct:**

- Engage in any of these behaviours toward any person during any Council business (including in-person and electronic communication):
  - o Striking, grabbing, or attempting to strike or grab,
  - o Threatening with violence, reputational harm, or legal harm,
  - o Name calling, other than the person's actual name or City title,
  - o Discussing any personal matter related to the Council member or staff person, or to their family,

- Commenting on the race, religion, gender, sexuality, health, physical ability, or finances of a person in a way that reveals private information or that could cause harm to the person,
- Yelling at or speaking in a voice higher than a conversational tone, or
- Making statements that question the honesty or integrity of another person.
- Use the media and/or social media to discuss grievances against other Members.
- Obstruct staff in their efforts to implement Council decisions.

**Unduly Influence Staff:**

- Give direction to any staff person other than via:
  - a Council resolution, or
  - direction given at an official Council meeting, or
  - a discussion through the CAO.
- Attend City buildings to direct staff, take pictures of staff or the public, or interrupt City business.
- Continue to directly communicate with staff on a matter when advised by the CAO or designate to limit communication or to channel communication through the CAOs office.
- In any way try to unduly influence decisions related to the hiring, promotion, suspension or termination of staff or volunteers — including giving references or forwarding copies of resumes to someone hiring at the City.

**Accept or Offer Inducements:**

- Accept a bribe, gift, or favour in return for a particular vote or attempt to influence a Council or City decision.
- Offer a bribe, gift, or favour in return for a particular vote or attempt to influence a Council or City decision.

**Fail to Maintain an Open Mind:**

- Express a position for or against a land use matter that has yet to be discussed at a Public Hearing.
- Read from prepared remarks at third reading when the vote for the third reading occurs at the same meeting as the Public Hearing.
- Refuse to abide by the Public Hearing Policy and/or procedure.

**Receive Private Influence:**

- Receive emails, text messages or other communication from anyone other than City staff during any Council meeting.
- Express remarks written or drafted by others during meetings without disclosing the origin of the remarks.

**Make Illegal Recordings:**

- Record closed meetings.
- Record confidential conversations with staff or other councilors without asking permission first.

**Engage in Inappropriate Sexual or Intimate Behaviour:**

- Make physical advances, touches or comments of a sexual nature to any staff person or Councilor.
- Continue any behaviour after another person (elected or staff) has informed them that it makes them feel unsafe or uncomfortable.

**Threaten, Embarrass or Intimidate:**

- Criticize a staff person or City contractor in a meeting of Council.
- Raise my voice or make gestures designed to intimidate others.
- Threaten the employment of a staff person.

**Further Engage in Censured Behaviour:**

- Behave in any way that Council has previously resolved to censure in any way.

## Schedule 2 Complaint Process

1. This section, Complaint Process, is for internal use only. Members and Staff within the City can use this section to make a complaint against a Member in relation to their own interactions with that Member.
2. Members are to abide by the requirements of the Community Charter and the Code of Responsible Conduct (the "Code"), and shall endeavor to resolve interpersonal disputes in good faith, recognizing that interpersonal rancor does not facilitate good governance.

### Informal Complaint Process

3. If a Member or Staff considers that they have been subjected to or witnessed concerning behaviour that does not rise to the level of contravention of this Code by a Member and if they are comfortable discussing the matter directly with the Member, they are encouraged to inform the Member of the alleged contravention and request an apology and, if applicable, that the contravention cease immediately. If a Member or Staff is unsure about the matter, they will talk to the CAO to determine what approach is warranted.
4. If the Complainant is unable to discuss the matter directly with the Member, or if after discussion the contravention continues, the Complainant may submit a written complaint addressed to the Mayor and the CAO within six (6) months of the last alleged breach (the "Complaint"). The Complaint should include the name of the complainant and the Respondent, details of the conduct the complainant says occurred, and the parts of this Code that the Complainant says have been violated and the basis for the Complainant's knowledge about the conduct.
5. In the event that the Mayor is the subject of, is in a conflict of interest related to the Complaint, or is implicated in the Complaint, the Complaint shall be addressed to the current Acting Mayor unless that individual is the subject of, or implicated in the Complaint.
6. In the event that the Chief Administrative Officer is the subject of the Complaint, is in a conflict of interest related to the Complaint, or is implicated in the Complaint, the Complaint shall be addressed to the Deputy CAO or Corporate Officer unless that individual is the subject of or implicated in the Complaint.
7. Upon receipt of a Complaint under s. 4 of the Complaint Process, the Mayor or designated Member, and the CAO or designate (Deputy CAO) shall review the Code and the details of the alleged breach.
8. The role of the Mayor and CAO (or designates) is to facilitate and seek a mutually beneficial resolution between the Complainant and the Respondent, not to adjudicate the Complaint. Information from both parties should be obtained, reviewed and options for resolution canvassed. There is no ability for the Mayor and CAO (or designates) to give advice about the processing or quality of resolution of the Complaint.
9. Discussions regarding the Complaint are confidential, advisory and informal in nature. The Complainant must maintain confidentiality.
10. If the Complaint is resolved through the Informal Complaint Process, a written record of the Complaint and the resolution will be given to the Complainant, the Respondent and the Mayor and CAO (or their designates). The resolution must be kept in confidence by the Mayor, CAO (or their designates) and the parties, unless the parties agree in writing to disclose the information.

## Formal Complaint Process

11. If the Complaint is not resolved through the informal process within thirty (30) days, or if in the opinion of the Mayor or CAO, the City is better served by starting with a Formal Complaint Process, the Mayor and the CAO (or their designates) will appoint an independent third party to investigate the Complaint (the "Investigator") (the "Formal Complaint Process").
12. If the Complainant(s) or Respondent(s) refuse to participate in a Formal Complaint Process, the investigation may continue without that individual's participation. The Investigator will make their determination based on the information they are provided. Not participating in the Formal Complaint Process may also be considered grounds for a Complaint under this Code.
13. The Investigator 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.
14. If the Investigator determines to continue the investigation, they 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 ninety (90) days of their appointment to the Mayor and the CAO (or their designates), as applicable, and to the Complainant and the Respondent;
  - c. Upon conclusion of the investigation, 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*, to the Mayor and the CAO or designates, as applicable.
  - d. Provide recommendations in the Report as are deemed appropriate in the professional judgment of the Investigator.
15. The Mayor and the CAO (or their designates) shall consider whether the Report or an executive summary of the Report should be presented to Council.

## Fairness Procedures Applicable to Council Determination of Measures

16. The Mayor, or the Corporate Officer if the Mayor is alleged to have contravened the *Code*, will notify the Respondent in writing that Council will be considering their conduct at a closed meeting. The notice, including a copy of the resolution being considered where a breach is believed to have been proved, must be delivered at least seven business days in advance of the closed meeting at which Council will consider the measure, if any, that it will impose in accordance with s. 20 of the Complaint Process. The Corporate Officer will ensure that the matter is placed on the agenda of the closed meeting. At the closed meeting, the Respondent may be represented by legal counsel, which will be reimbursed in accordance with s. 24 of the Complaint Process for the initial meeting.
17. The process at the closed meeting may vary depending on the situation, but the following elements will be incorporated:
  - a. Council will read the Investigator's determination of whether a contravention of this *Code* occurred;
  - b. The Respondent will be given the opportunity to make oral or written submissions to Council, with legal counsel if the Respondent desires, which submissions, without limitation, may include explanations for the impugned behaviour or suggestions on the measures that Council might impose as a result of the conduct;

- c. After the Respondent has made their submissions to Council, the Respondent (and their legal counsel, if applicable) will leave the meeting room and those Members without a conflict of interest will consider the measures, if any, to impose in accordance with s. 20 of the Complaint Process; and
- d. Written notice of the decision will be given to the Respondent within ten working days of the closed meeting. Any communications by Council will be compliant with the City's obligations pursuant to the Freedom of Information and Protection of Privacy Act.

### **Council Determination of Measures**

- 18.** Council shall decide on the appropriate measures, if any, warranted by a contravention of this *Code* after:
  - a. Reviewing the Report or executive summary of the Report of the Investigator;
  - b. Considering the factors described in s. 19 and the measures enumerated in s. 20 of the Complaint Process; and
  - c. Considering the submissions provided by the affected Member during the closed meeting in accordance with the process described in ss. 16 and 17 of the Formal Complaint Process.
- 19.** In determining the appropriate measures, Council shall consider the following factors:
  - a. The degree and nature of the conduct;
  - b. Whether the contravention was a single or repeated act;
  - c. Whether the Member knew or ought to have known that the conduct was unwelcome or offensive;
  - d. The nature of the work relationship of the complainant and the respondent, and whether the Member was in a position of authority over the complainant, such that the degree and nature of the conduct was thereby exacerbated by an abuse of power;
  - e. The impact of the contravention on the complainant;
  - f. The Member's acknowledgment of wrongdoing; and
  - g. The Member's history of other contraventions.
- 20.** Council may impose the following measures including, but not limited to:
  - a. Motion of public censure of a Member;
  - b. Formal warning letter;
  - c. Letter of reprimand;
  - d. A request that the Member issue a letter of apology;
  - e. Requirement to attend training;
  - f. Suspension or removal of the appointment of the Member as Acting Mayor;
  - g. Suspension or removal from some or all internal and external committees and bodies to which the Council or the Mayor has the right to appoint Members;
  - h. Imposing limits on travel and expenses;
  - i. Requiring the return of municipal property provided for convenience;
  - j. Limiting access to certain municipal facilities or portions thereof;
  - k. Restricting how and when documents are provided to the Member;

- l. Referral to a prosecutor or the police; and
- m. Any other lawful measure Council deems reasonable and appropriate.

### **Staff Responsibilities in the Complaint Process**

- 21.** If the Investigator concludes that a contravention of this *Code* has occurred, the CAO (or designate) shall consider reasonable action to protect the complainant from any subsequent action or reprisal. The CAO shall also consider reasonable action to protect the rights of the subject Member and to see that no reprisal takes place beyond the measures determined by Council.
- 22.** If the Investigator finds that the original complaint was initiated in bad faith, with willful misconduct or intent to harm, where the complainant is a Member, Council may consider appropriate measures in respect of the complainant and where the complainant is Staff, the CAO may consider appropriate measures in respect of the complainant.

### **General**

- 23.** Throughout the Complaint Process, either party can have legal counsel present to assist them. This legal counsel will be required to follow any rules of in-camera or procedural bylaw process that are applicable.
- 24.** Members who retain legal counsel to represent them in proceedings under this section may request in writing that the City indemnify them for their reasonable costs of representation, such indemnification being entirely at the discretion of Council.
- 25.** Staff who retain legal counsel to represent themselves in the proceedings under this section may request, in writing, reimbursement of reasonable costs from the City, such reimbursement being at the discretion of the CAO or Council.
- 26.** The City will pay the reasonable costs for initial legal advice obtained by a Member or Staff who is a party to the Complaint Process up until the adjournment of the closed meeting referred to in ss. 16 and 17 of the Complaint Process. Further costs of obtaining legal advice beyond the adjournment of the closed meeting referred to in ss. 16 and 17 of the Complaint Process by a Member or Staff must be decided by Council or the CAO, respectively.
- 27.** No Member or Staff will be reimbursed for their reasonable non-legal advice related costs from the City unless so decided by Council or the CAO, respectively.
- 28.** The Corporate Officer will cause
  - a. This *Code* to be visible and accessible on the City's website, and
  - b. Electronic copies of this *Code* to be made available to all Staff and Members in easily accessible locations, including the City's intranet.
- 29.** If any portion of this *Code* is inconsistent with a binding collective agreement with the City, or federal or provincial legislation, that portion and only that portion of this *Code* will have no application to the extent of that inconsistency and all other portions of this *Code* will continue in full force and effect.

**RELATED POLICIES, PROCEDURES, AGREEMENTS AND/OR BYLAWS:**

- ADM.32(C) – Council Governance Policy
- HUM.03 - Respectful Workplace Policy
- HUM.04 – Computer and Technology Acceptable Use Policy
- 5345-2013 Council Procedure Bylaw

**\*\*\* END OF POLICY \*\*\***

**RECORD OF AMENDMENTS/REVIEW**

Policy #	Date Adopted	Date Reviewed	Amended (Y/N)	Date Reissued	Authority (Resolution #)
ADM.24(C)	08 Sep 2020				RC20/445
ADM. 24(C)			Y	02 Nov 2020	RC20/553
ADM. 24(C)		Jan 2023	Y	15 May 2023	RC23/227