



Policy #	0340-30-Code of Responsible Conduct
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CODE OF RESPONSIBLE CONDUCT

PURPOSE AND INTENT

A Code of Responsible Conduct is a written document developed for the purpose of promoting responsible and ethical conduct of local government officials and their representatives.

A Code of Responsible Conduct establishes shared standards and expectations with respect to the conduct, comportment, decorum and behaviour of individual elected officials, the collective governing body and its representatives.

FOUNDATIONAL PRINCIPLES

1. **Framework:**

- 1.1 Regional Districts are recognized under the *Local Government Act* 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 Board 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.
- 1.2 Regional District Board Members, Alternate Directors, Committee Members and Board Appointees have the legislated authority to make decisions that affect the daily lives of citizens, families, businesses and other community stakeholders.
- 1.3 Regional District Board Members, Alternate Directors, Committee Members and Board Appointees also have 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.

- 1.4 Responsible conduct refers to how Regional District Board Members, Alternate Directors, Committee Members and Board Appointees conduct and comport themselves, individually and collectively, through their interactions with elected colleagues, staff, citizens, other local government stakeholders, the media, and through social media in the exercise of their authority.
- 1.5 Responsible conduct is founded on four (4) key foundational principles:
- Integrity;
 - Respect;
 - Accountability; and
 - Leadership and Collaboration.
- 1.6 Regional District Board Members, Alternate Directors, Committee Members and Board Appointees have a duty to act and comport themselves 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, applicable federal legislation, as well as the FVRD Anti-Racial Discrimination and Anti-Racism Policy and the FVRD Discrimination, Bullying and Harassment Policy.
2. **Commitment to Responsible Conduct:**
- 2.1 The Fraser Valley Regional District Board of Directors recognizes that responsible conduct is essential to providing good governance.
- 2.2 The Fraser Valley Regional District Board of Directors acknowledges that responsible conduct is based upon four foundational principles: integrity, respect, accountability, and leadership and collaboration to which the Fraser Valley Regional District Board individually and collectively subscribes.
- 2.3 Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees expressly acknowledge that they are individually and collectively committed to conducting themselves in a responsible and ethical manner, and are furthermore committed to upholding the law.
- 2.4 As set out in this Code of Responsible Conduct, Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees 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.
3. **Application and Interpretation:**
- 3.1 This Code of Responsible Conduct applies to every elected official on the Fraser Valley Regional District Board of Directors, Alternate Directors, Committee Members and Board Appointees.

- 3.2 It is the express responsibility and obligation of each Fraser Valley Regional District Board Member, Alternate Director, Committee Member or Board Appointee 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.
- 3.3 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 Fraser Valley Regional District, along with any other legal obligations which apply to Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees, individually and as a collective governing body.

4. **Foundational Principles of Responsible Conduct:**

- 4.1 It is expressly acknowledged that the foundational principles of responsible conduct, as defined below, are intended to provide Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees with a shared understanding of what responsible conduct is.
- 4.2 It is furthermore expressly acknowledged that these foundational principles, as purposefully defined below, will set out expectations around how Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees, both individually and collectively, will conduct and comport themselves as representatives of the Fraser Valley Regional District.

Integrity

Integrity is conduct and behaviour that upholds the public interest and promotes public confidence in local government. Integrity is based on honesty and the active demonstration of the highest ethical standards in all dealings.

Respect

Respect is conduct and behaviour that creates an environment of trust by demonstrating due regard, deference and consideration for the perspectives, wishes, beliefs, traditions, values and rights of others.

Accountability

Accountability is conduct and behaviour that demonstrates the willingness to accept responsibility for one's conduct, behaviours, actions and decisions.

Leadership and Collaboration

Leadership and Collaboration is conduct and behaviour that demonstrates the ability to lead, guide, actively listen, mobilize and positively influence others, while encouraging people to

come together to meet around a common goal or objective, or to resolve conflict through collective means and efforts.

5. **Standards of Responsible Conduct:**

5.1 The Fraser Valley Regional District Board of Directors expects that all Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will demonstrate and abide by the standards of responsible conduct set out below and as reflected in the stated foundational principles of responsible conduct set out in Section 5.

INTEGRITY is demonstrated by the following conduct and behaviour and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- be truthful, 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 Fraser Valley Regional District;
- ensure that their actions are consistent with the shared principles and values collectively agreed to by the Fraser Valley Regional District Board of Directors;
- 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 and comport themselves in a manner that promotes and inspires public confidence and trust in local government and in all of their dealings as a local government official or representative;
- conduct and comport themselves in a manner which avoids any perception of conflict of interest, improper use of office, or other unethical or illegal conduct;
- conduct and comport themselves in a manner which upholds the public interest by diligently serving citizens and communities within their sphere of influence in a manner which best serves the communities' interest and not their own, or the interests of a select few; and

- conduct and comport 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.

RESPECT is demonstrated by the following conduct and behaviour and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- 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 Chair or Presiding Official and will conduct and comport themselves accordingly during meetings, and will furthermore abide by the rules of procedure adopted by the Fraser Valley Regional District Board of Directors;
- respect the distinct roles and responsibilities of local government staff and are committed to fostering a positive working relationship between the Board, staff, citizens, and other local government stakeholders;
- call for, and expect that respect be shown to elected officials, staff, and members of the public by other citizens, community members and other local government stakeholders;
- value the role of diverse perspectives and will show due consideration for every person's contributions by listening actively and respectfully to another person's perspective or point of view during discussion, debate, collaboration and decision making;
- will demonstrate awareness of their own conduct and behaviour, and manage and adjust their conduct and behaviour accordingly and as circumstances warrant;
- create an environment of trust and will consider and be sensitive to how their words, language, conduct and behaviour 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 behaviours that are deemed to be indecent, obscene, insulting, abusive or otherwise unbecoming to a local government elected official or representative. This conduct or behavior includes, but is not limited to, unwanted physical or sexual contact or comments, and/or any form of aggressive or threatening conduct or behaviour that may cause harm to any person, or which makes a person feel threatened or intimidated.

ACCOUNTABILITY is demonstrated by the following conduct and behaviour and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- be responsible for, and will accept responsibility for decisions they make as an elected official or representative of the Fraser Valley Regional District;

- be 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.

LEADERSHIP AND COLLABORATION is demonstrated by the following conduct and behaviour and Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees will:

- 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 Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees and the collective governing body;
- behave in a manner that instills and builds public trust and confidence in local government;
- recognize that vigorous discourse and debate on a matter is integral to the democratic process and will encourage healthy, respectful and constructive debate prior to taking a decision with respect to a matter;
- consider the issues before them and will make decisions as a collective governing body;
- actively participate in debate about the merits of the matter before them, and will accept, respect and uphold the decision of the majority as part of the democratic process;
- as leaders of their communities, face challenges, obstacles, controversy and adversity calmly, respectfully, diplomatically, and with due consideration while endeavoring to find effective and appropriate solutions and provide direction to staff, and will furthermore empower each other, and staff to face challenges, obstacles, controversy and adversity in the same manner;
- 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 Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees, citizens, the media and other local government stakeholders;

- refrain from publicly criticizing a member of staff; and
- recognize and respect the importance of the role of the Chair or Presiding Official at a meeting, and will treat that person with respect and deference at all times.

5.2 Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees expressly acknowledge that they will not engage in irresponsible conduct, a non-exhaustive list of examples of which are set out in Schedule 1 of this policy.

6. **Acknowledgement**

Fraser Valley Regional District Board Members, Alternate Directors, Committee Members and Board Appointees are required to demonstrate their commitment to responsible and ethical conduct by signing an Oath of Office which incorporates this *Fraser Valley Regional District Code of Responsible Conduct*.

Schedule 1 – Non-exhaustive examples of Irresponsible Conduct

Meeting Conduct, Rules of Order and Procedural Matters

- Failing to abide by the FVRD Board and Committee Procedures Bylaw
- Failing to respect the role of the Chair or Presiding Official at meetings
- Failing to respect due process and procedural fairness
- Unfair or disrespectful treatment of persons or delegations appearing before the Board/Committee
- Disrespectful or disruptive behaviour during a meeting which results in being called out of order by the Chair or Presiding Official
- Expulsion from a meeting
- Behaviour which undermines the free exchange of ideas and which stifles or inhibits healthy debate
- Disrespecting the viewpoints of others during discussion on a matter
- Failing to keep an open mind during debate on a matter

Integrity

- Abuse of authority or trust
- Failing to act in the public interest
- Showing favoritism, bias or nepotism towards any person, vendor, contractor, business, family member or to others doing business with the FVRD
- Dishonesty
- Lying
- Obstructing an investigation into a matter
- Obstructing staff from undertaking their duties

Serious Allegations of Misconduct

- Harassment
- Sexual Harassment
- Discrimination
- Bullying
- Intimidation
- Coercion
- Extortion
- Uttering Threats
- Assault
- Accepting a bribe
- Fraud
- Theft of FVRD resources and/or assets
- *Criminal Code of Canada* conviction while in office

Communication, Interpersonal Relations, Board and Staff Relations

- Use of disrespectful, derogatory, demeaning, defamatory, discriminatory, intolerant or offensive language at any time, and on any communication platform, including social media, as a representative of the FVRD
- Failing to treat any person with respect, courtesy, tolerance, acceptance, and/or dignity
- Disrespecting the role of the Chief Administrative Officer, Senior Staff, and/or FVRD consultants
- Failing to respect the various roles that others play which are inherent to informed local government decision making
- Publically criticizing or chastising a fellow Member, FVRD staff member, and/or FVRD consultant
- Interfering with the administrative, corporate or operational functions of the FVRD
- Failing to observe established protocols with respect to tasking or otherwise directing staff

Damaging the FVRD's Reputation

- Damaging the reputation and/or credibility of the FVRD by words, actions and/or irresponsible conduct
- Acting in an official capacity while intoxicated resulting in irresponsible conduct

Confidentiality and Data Security

- Intentionally accessing unauthorized information, records or data on FVRD devices
- Intentionally disclosing unauthorized confidential or personal information of a third party
- Intentionally breaching the FVRD's network and data security systems
- Intentionally leaking confidential information to the media or other local government stakeholders

Retaliation

- Retaliation or retribution towards any person who in good faith has reported a suspected contravention of the FVRD Code of Responsible Conduct Policy
- Retaliation or retribution towards any person who in good faith has reported a suspected contravention of the FVRD Discrimination, Bullying and Harassment Policy or the FVRD Anti-Racial Discrimination and Anti-Racism Policy
- Retaliation or retribution towards any person who in good faith has reported a suspected contravention of the *Criminal Code* of Canada or other federal, provincial or local government statute, regulation, or enactment

Interference with Designated Decision Makers and/or Processes

- Interfering with, and/or failing to respect the role or authority of statutory and/or other designated decision makers:
 - Chief Administrative Officer
 - Corporate Officer responsible for Corporate Administration
 - Corporate Officer responsible for Financial Administration

- Freedom of Information Head
- Chief Election Officer
- Building Officials
- Bylaw Enforcement Officers
- Provincial Approving Officer
- Others in statutory and/or designated decision making roles
- Failing to abide by the FVRD Purchasing and Procurement Policy

Conflict of Interest

- Failure to abide by Conflict of Interest rules in the *Community Charter* and the *Local Government Act*:
 - Failure to disclose conflict of interest
 - Participation in meetings where there is a conflict of interest
 - Use of office to influence a decision, recommendation or other action where an elected official has a direct or indirect pecuniary interest
 - Accepting gifts, fees or personal benefits connected with the Regional District Member's performance of the duties of office
 - Failure to disclose and report contracts entered into by the elected official or former elected official with the FVRD where the elected official or the former elected official has a direct or indirect pecuniary interest

Partisan Politics and Campaigning

- Engaging in partisan politics while undertaking FVRD business
- Use of FVRD resources for campaign purposes

Unauthorized Conduct – General Prohibitions

- Providing instruction to FVRD contractors, consultants or other service providers
- Speaking on behalf of the FVRD when not authorized to do so
- Failing to uphold a decision, bylaw or policy of the FVRD Board
- Unauthorized use of FVRD staff and/or other FVRD resources and assets
- Unauthorized expenditure of FVRD funds

Definitions

'Abuse of authority' means the deliberate exceeding of delegated or inherent power.

"Bad faith" means dishonesty of belief, purpose or motive.

'Board Chair' means the FVRD Board Chair and Chief Executive Officer for the Fraser Valley Regional District.

'CAO' means the Chief Administrative Officer for the Fraser Valley Regional District.

'Complaint' means a formal allegation, in accordance with the complaint procedure set out in Section 2, that a Regional District Member has breached this Policy.

'Complainant' means a person who has submitted a complaint.

'Corporate Officer' means the Corporate Officer responsible for Corporate Administration for the Fraser Valley Regional District.

'Disrespect' means behaviour, language or actions that show disdain or lack of regard.

'Egregious' means extremely or remarkably bad or flagrant.

'Frivolous' means lacking a legal basis or legal merit.

'Good faith' means a state of mind consisting in honesty in belief or purpose, or an absence of intent to defraud or to seek unconscionable advantage.

'Informal Resolution Group' means the CAO, Board Chair and Human Resources Committee Chair.

'Investigator' means the person appointed to fulfill the duties and responsibilities assigned in this Policy.

'Obstruct' means behavior intended to interrupt, interfere or hinder.

'Personal information' has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

'Regional District Member' means a Fraser Valley Regional District Board Member, Alternate Director, Committee Member or Board Appointee.

'Respondent' means a Regional District Member whose conduct is the subject of a Complaint.

‘Serious’ means weighty or important.

‘Staff’ means an employee of the Fraser Valley Regional District.

‘Vexatious’ means behaviour intended to harass annoy or distress

Schedule 2 – Complaint and Resolution Process

1. Informal Complaint Procedure

- 1.1 If a Regional District Member or staff believe that they have observed a Regional District Member engaging in conduct that contravenes this Policy, the Regional District Member or staff will use all reasonable efforts to resolve the complaint directly with the Regional District Member before submitting a formalized complaint under Section 2.
- 1.2 If a Complainant believes that the nature of the complaint is of a serious or egregious nature, the Complainant may bypass the informal complaint procedure and bring forward their Complaint for formal complaint procedure under Section 2.
- 1.3 If a Complainant believes that there is a safety or legal concern associated with participation in the informal complaint procedure, the Complainant may bypass the informal complaint procedure and bring forward a Complaint for formal complaint procedure under Section 2.
- 1.4 If a Complainant believes that participation in the Informal Complaint Procedure would compromise the complaint process, the Complainant may bypass the informal complaint procedure and bring forward a Complaint for formal complaint procedure under Section 2.
- 1.5 If the Complainant is unable to resolve the complaint directly with the Regional District Member under Section 1.1, the Complainant may bring their Complaint forward for review by the CAO, Board Chair, and Human Resources Committee Chair (the informal resolution group). The informal resolution group will work to resolve the Complaint informally between the parties.
- 1.6 On receipt of a Complaint, the informal resolution group must conduct a preliminary assessment and if at that time, or any time thereafter, the informal resolution group is of the opinion that:
 - a) the Complaint is not with respect to a breach of this Policy;
 - b) the Complaint is frivolous, vexatious, or not made in good faith;
 - d) the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
 - e) there are no grounds or insufficient grounds to conclude that a violation of this Policy has occurred,

the informal resolution group must notify the Complainant that the Complaint will be closed, stating the reasons for the closure.

- 1.7 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 if the Complaint is:
- a) With respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
 - b) With respect to non-compliance with another Fraser Valley Regional District Policy with its own separate Complaint procedure; or
 - c) With respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Complaint, or part of the Complaint may be rejected. The informal resolution group must notify the Complainant that the Complaint is not within the jurisdiction of this Policy, and 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 informal resolution group thinks appropriate.

- 1.8 If the informal resolution group, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* then the informal resolution group must immediately refer the matter to the appropriate authorities.

- 1.9 Where a Complaint is made against a Regional District Member who, during the course of the Complaint procedure, ceases to hold office, the Complaint may be closed.

- 1.10 If unable to resolve the Complaint informally or if the informal resolution group believe that the nature of the complaint is of a serious or egregious nature, the Complaint may be dealt with by way of formal complaint procedure under Section 2. For clarity, the informal resolution group will determine the appropriate person to investigate under the formal complaint procedure set out in Section 2.

2. Formal Complaint Procedure

- 2.1 If efforts to resolve the complaint under the informal complaint procedure in Section 1 are unsuccessful, a Regional District Member or staff may submit a complaint to the CAO. A Complaint may be in writing and describe with sufficient detail:

- a) The name of the Complainant;
- b) The name of the Respondent;
- c) The conduct that the Complainant alleges to have been breached;
- d) The date of the alleged conduct;
- e) The parts of this Policy that the Complainant alleges have been breached;
- f) The basis for the Complainant's knowledge about the conduct; and
- g) If the Complainant is a Regional District Member, what attempts were made to resolve the complaint informally under Section 1

- 2.2 If the Complaint alleges that the CAO or Board Chair is directly involved in the circumstances giving rise to the Complaint, the Complaint must be submitted to the Corporate Officer.
- 2.3 Upon receipt of the Complaint, the CAO, based on the direction of the informal resolution group, shall appoint an Investigator.
- 2.4 The duties and responsibilities of the Investigator are as follows:
- a) To investigate and conduct inquiries as to alleged violations of this Policy;
 - b) To report to the Board as to whether a Regional District Member has breached this Policy; and
 - c) To make recommendations on appropriate sanctions if the Investigator determines that a Regional District Member has breached this Policy.
- 2.5 The Investigator must not accept multiple Complaints concerning the same matter. In the event that the Investigator receives multiple Complaints concerning the same matter, the Investigator must proceed with the first Complaint accepted, but may expand the Complaint and or add Complainants for the purpose of conducting the investigation and preparing the investigation report.
- 2.6 The Investigator must reject a Complaint received more than 90 days after the Complainant knew, or reasonably ought to have known, of the alleged breach of this Policy. The Investigator is authorized to extend this 90 day deadline up to an additional 90 days if circumstances warrant an extension.
- 2.7 In an election year, if a Complaint is submitted within 90 days of general voting day, the Investigator must hold the Complaint in abeyance until after the new Board has taken office.
- 2.8 If the Regional District Member who is the subject of a Complaint is re-elected, the Investigator must accept the Complaint for further assessment and investigation in accordance with this Policy.
- 2.9 If the Regional District Member who is subject of a Complaint is not re-elected, the Investigator must reject the complaint.

3 Formal Resolution

- 3.1 The Investigator must deliver the Complaint to the Respondent, and request that the Respondent provide a response to the Complaint within 10 days of receiving the complaint.
- 3.2 The Investigator may, at their discretion, deliver to the Complainant the Respondent's response, and request that the Complainant provide a reply to the Respondent within 10 days of the Complainant receiving a copy of the Respondent's response.
- 3.3 The Investigator may, at their discretion, reasonably extend the 10 day time limit referred to in Sections 3.1 and 3.2.
- 3.4 The Investigator may:

- a) Speak to anyone relevant to the Complaint;
- b) Request disclosure of documents relevant to the Complaint; or
- c) Access any records in the custody and control of the Fraser Valley Regional District, within the meaning of the *Freedom of Information and Protection of Privacy Act*, with the exception of records subject to solicitor-client privilege.

3.5 The Investigator must ensure that the investigation complies with the rules of procedural fairness and natural justice required in the circumstances of the Complaint.

4 Adjudication

4.1 The Investigator must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Investigator determines that doing so is not practicable in which case the Investigator must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by two (2) periods of up to 30 days at a time on provision of notice to both the Complainant and the Respondent.

5 Reporting

5.1 After reviewing the information, if the Investigator determines that the Respondent did not violate this Policy, the Investigator must:

- a) Write an investigation report providing reasons for their determination; and
- b) Deliver a copy of the Investigation report to the Complainant, Respondent and FVRD Board of Directors.

5.2 The investigation report must include a determination of whether the Complaint was submitted frivolously, vexatiously or in bad faith.

5.3 After reviewing all the material information, if the Investigator determines that the Respondent did violate this Policy, the Investigator must:

- a) Write an investigation report providing reasons for their determination, which must include:
 - I. A summary of the factual findings of the investigator;
 - II. An application of this Policy, and any other applicable law, to the facts;
 - III. A determination of whether the Respondent took all reasonable steps to avoid the breach or whether the breach was trivial, inadvertent or due to an error in judgment made in good faith;
 - IV. Level of severity of the breach; and
 - V. Recommendations as to the appropriate sanctions for the breach.
- b) Confidentially deliver a copy of the investigation report to the Respondent;
- c) Within 48 hours of delivery of the investigation report to the Respondent; confidentially deliver a copy of the investigation report to the Board; and

- d) In all circumstances, the Investigator may choose to distribute the investigation report to the Board through the CAO.

6 Final Determination by the Board

- 6.1 Within 45 days of delivery of the Investigation report, the Board must determine whether the Respondent violated this Policy, and if so, the appropriate sanction, if any, that is warranted by the breach of this Policy.
- 6.2 Before making a decision, the Respondent must be provided with an opportunity to comment, either in person or in writing, to the Board on the Investigator's determinations and recommendations.
- 6.3 After the Respondent has provided comments to the Board, the Respondent will leave the meeting room and only those Regional District Members without a conflict of interest will consider any sanctions to be imposed under Section 7 of this policy.
- 6.4 When deciding on the appropriate sanction, if any, the Board must:
 - a) Receive the Investigation report in a closed meeting for the purpose of receiving legal advice or for another valid reason; and
 - b) Unless there is a valid basis for closing the meeting under section 90 of the Community Charter, deliberation on the appropriate sanction must be held in an open meeting.

7 Sanctions

- 7.1 Sanctions that may be imposed for a violation of this Policy include the following:
 - a) A letter of reprimand from the Board addressed to the Regional District Member;
 - b) A request from the Board that the Regional District Member issue a letter of apology;
 - c) The publication of the letters contemplated in Sections 7.1(a) and 7.1(b), along with the Respondent's response, if any;
 - d) A recommendation that the Regional District Member attend specific training or counselling;
 - e) Limitations on access to certain FVRD facilities;
 - f) Restricting how and when documents containing confidential information are provided to a Regional District Member;
 - g) Requiring the return of FVRD property;
 - h) Suspension or removal of the Regional District Member from some or all Board committees and bodies to which the Regional District Member was appointed;
 - i) Prohibition from representing the FVRD at events and/or attending conferences and seminars;
 - j) Public censure of a Regional District Member;
 - k) Any other sanction recommended by the Investigator, so long as that sanction is within the authority of the Board.

8 Public Release

- 8.1 Subject to the FVRD's obligations under the *Freedom of Information and Protection of Privacy Act*, within 30 days of the Board's decision on the appropriate sanction, if any, the Board may authorize the release to the public of the investigation report, or a summary thereof, along with a summary of the Board's decision.
- 8.2 In exercising its discretion under Section 8.1, the Board may consider:
- a) The Complainant's position on the release of the investigation report, if any; and
 - b) Whether the sanction would be more effective with or without the release of the investigation report or summary thereof.

9 Reprisals and Obstruction

- 9.1 No Regional District Member, or staff will threaten, interfere with, or otherwise obstruct the Investigator in relation to the Investigator carrying out the duties and responsibilities under this Policy.
- 9.2 No Regional District Member, or staff will threaten or undertake any reprisal against a Complainant or against a person who provides information to the Investigator in the context of an Investigation.
- 9.3 No Regional District Member, or staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Policy or refuse to respond to the Investigator when questioned regarding an Investigation.
- 9.4 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 above or the termination of employment for just cause, as applicable.

10 Confidentiality of Investigation

- 10.1 The informal resolution group and Investigator must make all reasonable efforts to investigate Complaints in confidence.
- 10.2 The informal resolution group and Investigator and every person acting under instructions must preserve confidentiality with respect to all matters that come to knowledge in the course of any Investigation or Complaint except as required by law.
- 10.3 An investigation report must only disclose such matters as, in the Investigator's opinion, are necessary for the purpose of the investigation report.

11 Reimbursement of costs

- 11.1 A Respondent may make a request to the Board for reimbursement of the costs of legal advice and representation in responding to the Complaint process outlined in this Policy.

For clarity, the FVRD will not consider any requests for reimbursement of the cost of legal advice or representation with respect to any actions against the FVRD or a Regional District Member.

- 11.2 After considering all of the circumstances, the Board may resolve to reimburse legal fees reasonably incurred by the Respondent, provided that all of the following have been met:
- a) The Respondent has not previously been found to have contravened this Policy;
 - b) The amount claimed is reasonable; and
 - c) The Respondent did not engage in dishonest, grossly negligent or malicious conduct.

12 Frivolous and vexatious complaints

- 12.1 If a Complaint is found to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise made in bad faith, the Complainant must be subject to appropriate disciplinary action, which may include, but is not limited to the following:
- a) In the case of a Complainant Regional District member, sanctions;
 - b) In the case of a Complainant staff, disciplinary measures or termination for cause; or
 - c) Prohibition from filing complaints under this Policy for a specified and reasonable period of time.

Review of Policy: Between November 2026 and May 2027