

7.1.i. Policy

ADMINISTRATIVE FAIRNESS PRINCIPLES

Trust Council: June 11, 1994
Amended: September 17, 2009

A: PURPOSE:

1. To provide administrative fairness principles to guide trustees, staff, local trust committees, the Islands Trust Council and the Executive Committee to:
 - 1.1. act in a non-discriminatory and reasonably prompt manner.
 - 1.2. ensure actions and decisions are lawful, not negligent, and for a proper purpose.
 - 1.3. conduct decision-making processes that are reasonably fair and prompt within a defined process and timeframe.

Note: This policy does not refer to the Trust Fund Board, which is guided by its own policies.

B: REFERENCES:

1. *Community Charter*
2. *Freedom of Information and Protection of Privacy Act*
3. *Islands Trust Act*
4. *Local Government Act*
5. *Ombudsman Act*
6. Policy Manual:
 - 6.1. Statutory Rules of Conduct (2.1.i.)
 - 6.2. Standards of Conduct (2.1.ii.)
 - 6.3. Governance Principles (2.1.iii.)
 - 6.4. Procedural Fairness in Rezoning (5.4.ii)
 - 6.5. Bylaw Enforcement (5.5.i)
 - 6.6. Handling of Administration Fairness Complaints (7.1.ii.)
 - 6.7. Freedom of Information and Protection of Privacy (7.6.i.)

C: POLICY:

The Islands Trust should utilize its best efforts to achieve the following aims for its administrative functions:

1. GENERAL CONDUCT**1.1. Statutory Responsibilities**

All Islands Trust bodies, trustees and staff of the Islands Trust, with the exception of the Trust Fund Board, should provide advice and analyses consistent with their professional training, their position duties, and statutory requirements.

1.2. Standards of Conduct

All Islands Trust bodies, trustees and staff, with the exception of the Trust Fund Board which has its own Board Administration policies, should reasonably attempt to carry out their duties in a manner that provides impartial and equal service to all, faithful discharge of duties without fear or favour and democratic processes that are duly responsible to the public in accordance with the rules for ethical conduct in the *Community Charter*, the *Local Government Act*, the *Islands Trust Act*, and the Islands Trust's Policy and Guidelines regarding Standards of Conduct.

1.3. Governance Principles

All Islands Trust bodies, trustees and staff, with the exception of the Trust Fund Board, should strive toward an effective, responsible and democratic system of government with regard to the Islands Trust's Guidelines regarding Governance Principles.

2. EXERCISE OF POWER**2.1. Enabling Legislation**

Decisions and actions shall be clearly authorized by, and consistent with applicable government statutes and regulations.

2.2. Proper Delegation

Delegation of decision-making power or discretionary authority should be consistent with enabling legislation.

2.3. Legal Responsibilities

Policies and bylaws requiring potential enforcement should be enacted in good faith and with a view to reasonably attempting to satisfy obligations to act.

2.4. Policy Consistency

Bylaws, policies and procedures should be reviewed for consistency with existing Trust policies and agreements.

2.5. Interagency Cooperation

Relationships with other agencies to improve services, provide programs, and/or clarify administrative processes should be documented in written form for regular and public review.

3. FAIR DECISION MAKING

3.1. Notice of Proceedings

Parties whose interests may be affected by a decision or action should be notified in a timely and adequate manner about the decision making process and opportunities to participate in it.

3.2. Statutory Notice

Procedural requirements of the *Community Charter*, the *Local Government Act*, the *Islands Trust Act* and relevant procedures bylaws in respect of land use decisions shall be strictly adhered to.

3.3. Opportunity to Review

Parties whose interests may be affected by a decision or action should be given a reasonable opportunity to review the nature of the resulting action or decision and to examine the information of other sources being considered.

3.4. Opportunity to be Heard/to Respond

Parties whose interests may be affected by a decision or action should be given a reasonable opportunity to provide written or verbal information in support of their position.

3.5. Impartiality

Trustees must comply with Division 6 of Part 4 of the *Community Charter* ("Conflict of Interest") and should consider the Islands Trust's Guidelines regarding Statutory Rules of Conduct to deal with conflicting interests that may affect or appear to affect the making of an impartial decision.

3.6. Relevant Information

Decisions should be based on a review of relevant information, excluding all irrelevant considerations.

3.7. Timeliness

Decisions and actions should be made reasonably promptly according to time lines established and communicated to identified parties who may be affected by a decision or action.

3.8. Reasons

Identified affected parties should be provided with reasons, in writing if requested, for the decisions and actions of Islands Trust bodies. Whenever relevant, written reasons should indicate the information and opinions considered and should quote relevant documents such as Official Community Plans, the Islands Trust Policy Statement, the *Islands Trust Act* or other statutes.

3.9. Confidentiality - Privacy

Islands Trust bodies should only exclude members of the public from a decision-making situation when a meeting has been properly closed for a purpose identified in Division 3 of Part 4 of the *Community Charter* (“Open Meetings”).

4. APPEAL PROCEDURES

4.1. Complaint Handling

Complaints related to administrative fairness concerns should be handled in accordance with the Islands Trust's Procedures for Handling of Administrative Fairness Complaints.

4.2. Available Remedies

Interested parties should be fully informed, upon their request, of the available internal and external mechanisms of appeal, review, and/or complaint regarding a decision made or action taken.

4.3. Bylaw Infractions

Complaints about bylaw infractions should be considered by the Islands Trust in accordance with its Procedures regarding Bylaw Enforcement.

5. ORGANIZATIONAL MANAGEMENT

5.1. Staff Structure

The staff structure and structural amendments shall be reviewed and approved by Trust Council for implementation by the Chief Administrative Officer, monitored by the Executive Committee and conveyed to the public.

5.2. Delegation of Management Authority

The Executive Committee shall approve the delegation of management authority for implementation by the Chief Administrative Officer.

5.3. Delegation of Staff Authority

The Chief Administrative Officer should approve the delegation of staff authority for implementation by management.

5.4. Personnel Matters

A review or hearing process that affects an employee who is a member of a union shall be governed by the relevant collective agreement. For other staff, the employee will be given reasonable and timely notice and an opportunity for input before the commencement of a review or hearing process.

6. INFORMATION/COMMUNICATIONS

6.1. Public Information

Reasonable efforts should be made to communicate the role of the Islands Trust and its programs, procedures and activities.

6.2. Written Material

Forms, brochures and letters should be written in plain language.

6.3. Information Availability

Mechanisms should be developed and used to respond to public requests for information that is public and not confidential.

6.4. Access - Information

Trustees and staff must adhere to the *Freedom of Information and Protection of Privacy Act* and should adhere to the Islands Trust's policies and procedures regarding access to information.

6.5. Access - General

Ongoing attention should be given to monitoring public access to Trust activities or services by those with special needs, inadequate telephone access, and minimum levels of service.