



Policy:	2.1.2
Approved By:	Trust Council
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Policy Holder:	Chief Administrative Officer

STANDARDS OF CONDUCT

Purpose

A trustee elect, by their declaration, is obliged to execute the duties of their office. The purpose of this policy is to present standards of conduct to guide elected officials in carrying out their duties to ensure: impartial and equal service to all, faithful discharge of their duties without fear or favour, and democratic processes which are duly responsible to the public and which foster public confidence in the Islands Trust's integrity. These standards are in addition to those established in provincial law.

A. Definitions

Trustee(s) means local trustees and municipal trustees as defined in the *Islands Trust Act* who comprise Trust Council, the Executive Committee, Trust Council standing and select committees and a local trust committee

B. Policy

Certain ethical principles shall govern the conduct of any elected official of the Islands Trust organization, who shall:

1. Performance of Duties

- 1.1 Recognize that the chief functions of a trustee are to serve the public, advocate the Trust mandate, and adhere to the Trust Policy.
- 1.2 Avoid situations that could impair or fetter their judgement in the performance of their duties, or give that impression to others.
- 1.3 Conduct themselves in a manner that does not detract from the public image, integrity or responsibilities of the Islands Trust.
- 1.4 Carry out their duties with impartiality and equality of service to all.
- 1.5 Discharge their duties without fear or favour.
- 1.6 Be truthful, honest and open in all dealings with trustees, staff and the public.

2. Organizational Responsibility

- 2.1 Respect the opinions of other trustees, encourage others to utilize their individual strengths in a cooperative fashion, and make informed and responsible decisions.
- 2.2 Be committed to strive for excellence and quality service in implementing Islands Trust policies and directions.
- 2.3 Refrain from deliberately undermining Trust officials or staff.
- 2.4 As an elected official, respect management's authority to direct staff.
- 2.5 Direct requests for action by staff will be made by way of an appropriate resolution.
- 2.6 Clearly communicate Trust Council's consensus on decisions when and as differentiated from individual trustee opinions.
- 2.7 When a trustee has reasonable grounds to believe that transgression of the Standards of Conduct is taking place on the part of any other trustee, report the transgression to the Standards of Conduct Review Panel in accordance with Section 5 of this policy.

3. Personal Interests

- 3.1 Maintain the highest ideals of honour and integrity in the discharge of their duties.
- 3.2 Avoid lobbying activities toward any Trust body for personal interests or profit and/or for any other person.
- 3.3 Declare to the relevant chair and/or CAO their direct or indirect interest or the known interests of any close relatives in any enterprise that proposes to transact business with the Islands Trust.
- 3.4 Declare their interest, direct or indirect, or the known interests of any close relatives in any property that is subject to an application to the Islands Trust, to the Executive Committee.
- 3.5 Avoid situations, related to their duties, which could result in securing special privileges, favours or exemptions for themselves, or any other person.
- 3.6 Not commit organizational resources of any kind for activities that are not directly related to the official business of the Islands Trust.
- 3.7 Not undertake election campaign related activities on Islands Trust property unless specifically organized by the Islands Trust (i.e. candidate procedures, all candidate orientation, etc.).
- 3.8 Not request or use any Islands Trust resources or property for election campaign work including staff time, equipment such as photocopiers and computers, supplies, facilities or email lists, etc.

4. Meetings

- 4.1 Trustees must prepare for and regularly attend meetings of trust bodies to which they have been elected or appointed. Elected officials have an obligation to attend meetings and the expectation is that trustees will attend meetings for the duration of the meeting, unless they notify the chair of the trust body that they are ill or have compelling reasons which prevent them from attending. [Section 125\(5\) of the Community Charter](#) [*unexcused absence from council meetings*] applies to trustees.
- 4.2 Trustees will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.
- 4.3 During meetings, trustees shall listen courteously and attentively to all discussions before the body, and focus on the issues and facts.
- 4.4 The diverse perspectives of each trustee, as they reflect the interest of their own communities, will be respected.
- 4.5 When making decisions, trustees must consider all relevant facts, opinions, debate and analyses of which they should be reasonably aware.
- 4.6 Disagreements will be seen as a natural part of Council and committee work. Such disagreements will not be taken personally, nor made personal.
- 4.7 Trustees can expect courteous behaviour from each other. Trustees shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the trust body.
- 4.8 When speaking publicly and at trust body meetings, trustees will avoid inflammatory language. They are expected to speak in an objective manner.
- 4.9 No trustee shall disclose or release to any member of the public, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the trust body to do so.
- 4.10 No trustee shall disclose the substance of deliberations of an in-camera meeting until the trust body discusses the information at a meeting that is open to the public or releases the information to the public.
- 4.11 Confidential information includes discussion regarding the property, personnel or legal affairs of the Islands Trust and information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:
 - 4.11.1 disclosed or discussed at an in-camera meeting of the trust body;

4.11.2 that is circulated to trustees and marked “confidential”; or

4.11.3 that is given verbally in confidence in preparation for or following an in-camera meeting.

With regard to Section 4.11.2, and with the possible exception of information provided by a third party on a confidential basis, a trust body has the ability to close a meeting under Section 90(1)(n) of the *Community Charter* to determine whether the matter meets the criteria of subjects that may or must be considered at an in-camera meeting.

4.12 Trustees are encouraged to keep their cell phones turned off during meetings, and, in any case, must keep them on silent mode. If an urgent matter necessitates that a trustee take a call or respond to an email during the meeting, the trustee shall leave the meeting to respond to the call or email.

5. Review Process

5.1 The Standards of Conduct Review Panel dealing with matters related to trustees shall be comprised of the Executive Committee, with the CAO and/or legal counsel acting in an advisory capacity.

5.2 Trustees are expected to adhere to and follow these Standards of Conduct. Should a trustee or staff become aware of an apparent breach of the defined Standards of Conduct, the following process will be used. The purpose of this section is to resolve disputes or breaches in good faith, recognizing that rancour does not facilitate good governance.

5.2.1 An alleged breach of these Standards of Conduct may be submitted by a trustee or staff. Complaints shall be submitted simultaneously in writing to the Executive Committee and the CAO within three (3) months of the last alleged breach. The Executive Committee is authorized to extend this deadline if circumstances warrant an extension.

5.2.2 In the event that any member of the Executive Committee is the subject of, or is implicated in the complaint, the complaint shall be addressed to the remaining Executive Committee members and the CAO unless any of these individuals are the subject of, or implicated in the complaint.

5.2.3 Upon receipt of a complaint under section 5.2.1, the Executive Committee shall, if it is not able to resolve the matter informally, within thirty (30) days appoint legal counsel, acting in an advisory capacity, or another independent third party identified and agreed between the Complainant(s) and the Respondent(s) who has the necessary professional skills,

knowledge and experience to investigate the complaint (the “Third Party Investigator”).

- 5.2.4 If the parties cannot agree on the choice of an investigator, the Complainant and Respondent will each nominate one person and these two nominees will jointly select a suitable Third Party Investigator. If the nominees cannot agree on a suitable Third Party Investigator, the Islands Trust legal counsel will select the Investigator.
- 5.2.5 Legal counsel/The Third Party Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which legal counsel/the investigator must submit a written report to Executive Committee which will either indicate an investigation is to proceed, or a recommendation that the complaint should be dismissed as unfounded, beyond the jurisdiction of the Standards of Conduct policy or unlikely to succeed. Should the report recommend the matter should proceed no further, the report shall be provided to the Executive Committee in-camera, and the Executive Committee can decide to accept the report or ask that the complaint be investigated further.
- 5.2.6 If legal counsel/The Third Party Investigator determines to continue the investigation, they shall:
 - 5.2.6.1 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;
 - 5.2.6.2 Provide an investigation update within sixty (60) days of their appointment to the Executive Committee and to the Complainant and the Respondent;
 - 5.2.6.3 Provide a written, confidential report (the “Report”) of the findings of the investigation, including findings as to whether there has been a breach of these Standards of Conduct, to the Executive Committee, and to the Complainant and the Respondent; and,
 - 5.2.6.4 Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
 - 5.2.6.4.1 dismissal of the complaint;
 - 5.2.6.4.2 censure;
 - 5.2.6.4.3 removal from Trust Council’s standing or select committee membership;
 - 5.2.6.4.4 a recommendation that an apology be given;

5.2.6.4.5 counselling and/or coaching; or,

5.2.6.4.6 such other recommendations as are deemed appropriate in the judgment of legal counsel/the Third Party Investigator.

5.2.7 The Executive Committee shall provide the Report or a summary of the Report to Trust Council. The Report or summary shall be provided to Trust Council at an in-camera meeting if the subject falls under Section 90 of the *Community Charter*.

5.2.8 When a Report or a summary of a Report is presented to Trust Council, Trust Council will decide whether the recommendations in the Report, in whole or in part, or whether an alternate allowable sanction, will be imposed.

5.2.9 The Director of Administrative Services, as head of the Human Resources Unit, will receive and retain all Reports.

5.2.10 Where a trustee or staff alleges a breach of these Standards of Conduct by another trustee, all members of the trust body shall refrain from commenting on such allegations at open meetings of the trust body, pending the conclusion of the Report and any decision of Trust Council on the Report.

5.2.11 The Standards of Conduct policy will be reviewed in detail at orientation sessions for new/returning trustees following each election or by-election. Persons elected will be requested to sign a statement affirming they have read and understand the Code.

C. Legislated References

Policy and Procedures Manual:

Statutory Rules of Conduct (2.1.1)

Governance Principles (2.1.3)

Local Trust Committee Procedural Bylaw

Trust Council Procedural Bylaw

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

UBCM/LGMA Model Code of Conduct:

<https://www.lgma.ca/responsible-conduct-of-local-government-elect>