

COMPANION GUIDE

Getting Started on a Code of Conduct for Your Council / Board

Updated October 2022

Produced by the Working Group on Responsible Conduct

What is Responsible Conduct?

Responsible conduct refers to how government elected officials conduct themselves with their elected colleagues, with staff, and with the public. It is grounded in conducting oneself according to principles such as integrity, accountability, respect, and leadership and collaboration

Keep in mind...

before thinking about the content of your code of conduct, ensure that everyone is on the same page about what you want to achieve and how you want to get there. Agreeing on the objectives and the process upfront will help make the code of conduct more meaningful and successful

Introduction

The Working Group on Responsible Conduct has developed a model code of conduct that can be used as a starting point by local government councils/boards to develop their own customized code of conduct.

This companion guide provides discussion questions, things to keep in mind, and other helpful tips and resources to facilitate a council/board's conversation in developing their own code of conduct. This guide is also useful for councils/boards that already have a code of conduct in place but are considering updating it following the 2022 general local elections.

What is a Code of Conduct?

A code of conduct is a written document that sets shared expectations for conduct or behaviour. A council/board can adopt a code of conduct to establish expectations for how members should conduct themselves while carrying out their responsibilities, and in their work as a collective decision-making body for their community.

Responsible conduct of elected officials is not optional; it is essential to good governance. A code of conduct is one tool that can be used by a local government council/board to promote or further responsible conduct.

Before you get Started

Before you discuss the content of your code of conduct, it is important to ensure that all council/board members understand the purpose of embarking on the development of a code of conduct, have clear expectations about what the code of conduct will and will not do, and that there is consensus on the process for developing it.

Ensuring that everyone is on the same page before diving into the details of your code of conduct will help make the development process easier and the code of conduct more meaningful. Ask yourselves:

- Q Why is developing a code of conduct important to us?
- Q What are our key objectives in developing a code of conduct?
- Q Do we each understand the role of a code of conduct (i.e., that it is in addition to, not instead of, legal rules and local government policies)?
- Q What kind of process do we want to undertake to develop our code of conduct? Do we want to do this ourselves, with staff or get assistance from a facilitator or other consultant?
- Q Would we benefit from training or education about responsible conduct or codes of conduct generally before we get started on developing our own?

★ **TIP:** It may take multiple sessions and a variety of approaches to develop a code of conduct that works for you – don't feel you have to get it done in one sitting or using any one particular method.

Setting the Scope

Developing a code of conduct requires consideration about its scope, including who it applies to and in what capacity. For example, the model code of conduct prepared by the Working Group on Responsible Conduct is intended to apply to local elected officials.

When thinking about the scope and application of your code of conduct, ask yourselves:

Q Will the code of conduct apply to any or all of your local government committees and/or commissions? If so, are there specific considerations, limitations or criteria on how the code of conduct will apply to these bodies?

Q Will the code of conduct apply to elected members in carrying out all of their roles and responsibilities in all circumstances (e.g., when an elected official sits on an advisory committee with members of the public and others not covered by a council/board's code of conduct)?

★ **TIP:** Make sure the scope of your code of conduct aligns with the objectives you initially identified for developing a code of conduct. The broader the scope of the code of conduct, the more difficult it may be to implement and put into practice.

Keep in mind...

that elected officials must always conduct themselves in accordance with the law – this includes rules set out in local government legislation and other legislation, such as human rights rules. Ensure that your code of conduct is consistent with existing laws and policies

Thinking about Principles & Values

The model code of conduct developed by the Working Group on Responsible Conduct is built on four key foundational principles -- *integrity*, *respect*, *accountability*, and *leadership and collaboration*. At a minimum, every code of conduct needs to consider incorporating these four principles, but your council/board may want to build on these principles and provide more context regarding the values and objectives underlying the code of conduct. Ask yourselves:

Q Are there additional principles that are fundamentally important to our council/board (e.g., openness; impartiality; transparency)? If so, what are they and how are they defined? Should they be included in our code of conduct?

Q Are there particular values that are important to us that should be explicitly articulated as value statements in our code of conduct (e.g., “we practice high standards of ethical behaviour and conduct our decision-making in an open and transparent way to inspire trust”; “we strive for continuous improvement”)?

Q Are there principles in our code of conduct that we want to include in other policies or procedures to ensure our expectations for conduct are consistent (e.g., ensure any principles set out in the procedure bylaw are consistent with principles set out in the code of conduct)?

★ **TIP:** Use clear, concise language that can be easily understood by everyone at all levels of the organization, as well as the public.

Keep in mind...

that a code of conduct does not need to be complex or elaborate – it simply needs to spell out the standards your council/board feels are important to be commonly understood

Setting Standards of Conduct

The model code of conduct developed by the Working Group on Responsible Conduct sets out a range of standards of conduct that reflect the four key foundational principles. Because these are broadly applicable, they are necessarily written as general statements.

Your council/board can customize by adding other standards, expanding on the ones provided or by providing specific statements or examples of expected behaviour. Ask yourselves:

Q Are there specific behaviours that should be identified and encouraged under our code of conduct? For example:

- members should listen courteously and attentively to all discussions at the council/board meeting, and focus on the business at hand
- members must make every effort to show up to all meetings on time and well prepared to take an active role in the business at hand
- members should always consider the impact that their choice of language may have on other individuals

Q Are there specific behaviors that should be identified and discouraged under our code of conduct? For instance:

- members must not interrupt each other during a meeting, including by talking over another person
- members must not engage in specific physical actions or language, such as shaking a fist, eye rolling, turning their back to people who are speaking, making faces, pointing aggressively, using curse words, or making comments about a person's appearance
- members must stop talking and pay attention when the chair is talking or seeking order

★ **TIP:** No code of conduct will capture every situation that may arise. Consider which standards of conduct matter the most to your council/board now and incorporate additional standards as needed.

★ **TIP:** Look at other published codes of conduct for ideas you feel may be appropriate for your council/board's code of conduct (see "*List of Resources & Helpful Links*" section of this guide).

★ **TIP:** Ensure that your standards of conduct are clear and easy to interpret (e.g. any member should be able to see whether they are or are not meeting the standard).

Keep in mind...

that it is important to balance rules about appropriate conduct (including language, communication, and other physical actions) with the importance of open discourse that is necessary for governing bodies

Keep in mind...

that achieving consensus at the council/board table about the content of the code of conduct may be challenging, but having these difficult conversations is an important part of developing a meaningful code of conduct

Establishing an Enforcement Mechanism

Local governments are encouraged to include provisions that support compliance and enforcement. Creating a fair and impartial enforcement process before conduct issues arise ensures that all council/board members have the same understanding of the procedures in place. Ask yourselves:

- Q What measures do we have in place for continuous improvement at our council/board, to foster responsible conduct, maintain good governance, and resolve conduct issues informally (i.e., are we putting sufficient effort into prevention and informal resolution of conduct issues)? What conduct issues can be resolved through informal resolution, and what issues should be resolved using formal resolution?
 - Q How can we establish a fair complaint process that is accessible and manageable for our local government? Who can file a complaint in relation to a breach of a code of conduct? How will these complaints be impartially investigated (e.g., using a third-party investigator)?
 - Q What expert advice (e.g., legal) do we need to develop administratively fair formal enforcement processes and appropriate sanctions? Do we have the resources and capacity to follow through on such enforcement process if they are needed?
 - Q Does everyone understand what sanctions can/cannot be included in a code of conduct? What do we have in place to improve the post-sanction environment (e.g., to repair relationships among council/board members)? How will we move forward constructively as a collective?
- ★ **TIP:** Review *“Forging the Path to Responsible Conduct in Your Local Government”* when considering provisions related to enforcement (see *“List of Resources & Helpful Links”* section in this guide).

Keep in mind...

that conduct enforcement is a complex and evolving area of law; local governments should consult with their legal advisors on what enforcement approaches are best suited for a code of conduct

Incorporating other Policies

Local governments are likely to have a range of existing policies on a number of topics, from communications to information management to human resources. A code of conduct may be a useful place to connect to some of these policies. Ask yourselves:

- Q What existing policies do we already have that could be referenced in our code of conduct (e.g., respectful workplace policy; use of social media; handling of information; gifts and personal benefits)?
 - Q Are there any existing policies that need to be updated to reflect or reference the code of conduct?
- ★ **TIP:** You do not need to replicate all of your organization’s existing policies in a code of conduct. Key policies can simply be referenced where appropriate, throughout your code of conduct.

Keep in mind...

that local governments **cannot** impose disqualification from office as a sanction for a Code of Conduct breach

Adopting and Publishing your Code of Conduct

Once you have come to a consensus on the content of your code of conduct, ask yourselves:

- Q How will we try to ensure that all members are comfortable with a code of conduct that is adopted? What can we do if some members disagree with the code of conduct?
- Q Should each council/board member formally commit to the code of conduct in some way? What would this look like (e.g., each member signs the document)?
- Q How are we going to communicate or present the code of conduct to staff, the public and others? Should it be on our website? How else can we make it known?

★ **TIP:** Make sure your code of conduct is easily accessible by everyone in the organization, as well as the public.

Keep in mind...

that if it is challenging to achieve consensus at adoption or any other stage of the development process – don't be afraid to seek out a facilitator or another consultant

Putting the Code of Conduct into Action

Finding ways to integrate the code of conduct into your ongoing governance will help ensure that it remains a relevant and effective 'living' document. Consider how you will maintain, use, and keep your code by conduct 'alive' and meaningful by asking yourselves:

- Q How will we use and refer to the code of conduct (e.g., by including it in every agenda package? Displaying it on the wall? Framing it on every member's desk)?
- Q Should there be education or any other supports for our council/board members or employees about the code of conduct (e.g., at a set time such as the start of every term)? How will new members be oriented to it?

★ **TIP:** Education should include not only the content of the code of conduct, but also information on how informal resolution processes or other enforcement mechanisms work in practice if the code of conduct is breached.

Keep in mind...

that making your code of conduct accessible, transparent, and available to the public will help build public confidence and demonstrate a commitment to good governance

Reviewing your Code of Conduct

Local governments are required to consider reviewing their code of conduct following a general local election. Ask yourselves:

- Q Should we review the code of conduct more frequently than required? When would we review it? Are there certain circumstances that would trigger a review process (e.g., after a by-election)?
- Q How will we review and evaluate the code of conduct? Should there be a set process for reviews? How will changes be incorporated?

★ **TIP:** It may be useful to establish a process for feedback on the code of conduct to ensure that when a review happens, all of the relevant feedback is readily available and can be considered.

Keep in mind...

that your code of conduct is not 'set in stone'; it can be and should be revisited and reviewed regularly

List of Resources & Helpful Links

WORKING GROUP ON RESPONSIBLE CONDUCT RESOURCES

Model Code of Conduct

[REQUIRES UPDATED LINK]

Foundational Principles of Responsible Conduct Brochure

[REQUIRES UPDATED LINK]

Forging the Path to Responsible Conduct in Your Local Government Guide

<https://www.ubcm.ca/sites/default/files/2021-08/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

EXAMPLES OF LOCAL GOVERNMENT CODES OF CONDUCT (BC)

District of Squamish

<https://squamish.civicweb.net/filepro/documents/?preview=218433>

Municipality of North Cowichan

https://www.northcowichan.ca/assets/Municipal~Hall/Policies/Council_Policy_Standards_of_Conduct.pdf

City of Abbotsford

<https://municipal.qp.gov.bc.ca/civix/document/id/coa/coaoth/c00708>

City of Nanaimo

<https://www.nanaimo.ca/bylaws/ViewBylaw/7348.pdf>

City of Vancouver

https://vancouver.ca/docs/council/12886_Code_of_Conduct_Bylaw.pdf

District of Saanich

<http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/code-of-conduct-nov-2016.pdf>

Squamish-Lillooet Regional District

<https://www.slrd.bc.ca/sites/default/files/pdfs/administration/Policies/1.16%20Board%20Code%20of%20Conduct%20Policy.pdf>

RESOURCES ABOUT SOCIAL MEDIA POLICIES

Social Media Resource Guide (Alberta Urban Municipalities Association)

https://www.auma.ca/sites/default/files/Advocacy/Programs_Initiatives/citizen_engagement/social_media_resource_guide.pdf

[Note: page 26 pertains to Elected Officials and Social Media Policy]

City of Guelph (sample policy)

<http://guelph.ca/news/social-media/social-media-principles-and-guidelines-for-elected-officials/>

City of Pitt Meadows

<https://www.pittmeadows.ca/media/4191>

RESOURCES ABOUT HARASSMENT / HUMAN RIGHTS

City of Vancouver: Human Rights & Harassment policy

<https://policy.vancouver.ca/AE00205.pdf>

City of Richmond: Respectful Workplace Policy

https://www.richmond.ca/shared/assets/Respectful_Workplace_Policy22820.pdf

District of Sooke: Anti-Bullying Policy

<https://sooke.civicweb.net/document/11213>

RESOURCES ABOUT PRIVACY & HOW INFORMATION IS HANDLED

Privacy Management (Office of the Information & Privacy Commissioner)

<https://www.oipc.bc.ca/guidance-documents/1545>

District of Saanich (sample privacy management policy)

<http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/privacy-management-may-2017.pdf>

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