

POLICY AND PROCEDURES MANUAL

2.0.1 CODE OF CONDUCT FOR BCNU COUNCIL

Policy

To establish the code of conduct and expected behaviour for BCNU Council and to ensure that Council's affairs are managed with the highest moral, legal and ethical standards.

Procedure

Part I: Purpose, Scope, and Principles

Purpose

1. The purpose of the British Columbia Nurses' Union ("BCNU") is to advance the social, economic, and general welfare of all its Members.
2. As the governing body of the BCNU when the Annual Convention is not in session, the BCNU Council ("Council") must act in what it believes to be the best interests of the Members, exercising the powers and duties of office honestly, without bias or prejudice, and in a manner consistent with the authority granted to it under the BCNU Constitution and Bylaws.
3. Elected Officers on Council must earn and preserve the confidence of Members by demonstrating a high standard of ethical and professional conduct at all times.
4. This Code of Conduct for Council ("Code of Conduct") establishes and describes both common standards of conduct and a set of expectations for Elected Officers and the powers and procedures of the Integrity Officer and Auditor General in exercising oversight over the conduct of Elected Officers.
5. The Code of Conduct is made further to Resolution 7 carried at the 2023 BCNU Annual Convention, and further to Council's belief that for reasons of expediency as well as the effective functioning of Council as the governing body of the BCNU, the appointment of an independent Integrity Officer and Auditor General is most appropriate for addressing issues arising under the Code of Conduct.

Scope

1. The Code of Conduct applies to all Elected Officers on Council, acting in their capacity as Officers of the Council. For clarity, the Code of Conduct does not apply to Elected Officers when performing duties in relation to other roles they may hold with the BCNU or in their capacity solely as Members.
2. The Code of Conduct applies to Members or BCNU employees only to the extent a Member or a BCNU employee makes a confidential request or submits a complaint against an Elected Officer alleging a breach of the Code of Conduct.
3. The Code of Conduct does not apply to Election Complaints against Elected Officers made pursuant to the BCNU Constitution and Bylaws.

Key Principles Underlying Standards and Expectations of Conduct

1. Role of Council
 - a. Council is the governing body of the BCNU when the Annual Convention is not in session. Council is responsible for making decisions and taking actions, including those pertaining to collective bargaining, which meet the objectives of the BCNU.

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- b. Council provides direction and oversight to, and requires accountability from, BCNU Appointed Officers regarding organizational decisions and actions.
 - c. Council's effectiveness depends on all Elected Officers understanding their role as leaders and decision makers guiding the BCNU, and demonstrating high standards of ethical and professional conduct.
 - d. Elected Officers must act personally, and jointly with other Elected Officers, in the best interests of the BCNU as a whole, and without regard to their personal interests.
2. Responsibilities of Elected Officers
- a. Elected Officers must be loyal and act honestly, in good faith, and in the best interests of the BCNU. Elected Officers are also accountable to Members.
 - b. Elected Officers must avoid conflicts of interest, maintain confidentiality regarding BCNU matters, and disclose to the BCNU any information they might obtain that could be considered material to BCNU's objectives or operations.
 - c. Elected Officers are expected to exercise skill and judgment, take the time to review and consider Council and Council Committee materials in advance of meetings, and participate in learning opportunities related to their role as an Elected Officer.
3. Anti-Racism, Cultural Safety, and Humility
- a. Elected Officers are expected to recognize that systemic racism and discrimination exists within society and that Members' access to the BCNU's services and the BCNU's representation of Members should be equitable.
 - b. As leaders and decision makers, Elected Officers are expected to:
 - i. Learn about and understand the impacts and effects of racism and discrimination on Indigenous Peoples;
 - ii. Learn about and understand the impacts and effects of racism and discrimination on other traditionally disadvantaged groups;
 - iii. Develop a culturally safe anti-racist organization through a consistent and continuous practice of cultural awareness, humility, and safety in discussions and decision making; and
 - iv. Apply learnings in daily practice and promote equity, diversity, and inclusion in terms of Members' access to the BCNU's services and the BCNU's representation of Members.

Part II: Standards and Expectations of Elected Officers

Standards and Expectations of Conduct

1. Accountability and Integrity
- a. Elected Officers must at all times act honestly and in full compliance with all BCNU policies and with both the letter and the spirit of all applicable laws. Elected Officers must at all times refrain from conduct that constitutes a breach of duty as defined under Article 12.03 of the BCNU Bylaws and Policy 6.1.1.
 - b. Elected Officers have a duty to act in the best interests of the BCNU. While Elected Officers may be elected because they are a member of a particular constituency group (e.g., based on regional representation), which may inform their views and approach to issues, in performing their duties as an Elected Officer, contributions to deliberations and decision making must overall be guided by doing what is in the best interests of the BCNU as a whole.
 - c. Elected Officers must not seek to use their position to gain advantage for themselves, or for family members, friends, or associates ("associated person") with respect to accessing services with the BCNU.

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- d. Elected Officers must complete a minimum of four (4) hours of education per annum in mandatory education sessions as determined by the Integrity Officer in an area related to executing their duties as an Elected Officer. Absences by an Elected Officer from mandatory education sessions will be noted in an annual report to be published by the Integrity Officer pursuant to Part III: Integrity Officer, section Duties and Responsibilities of Integrity Officer, item 1(j) of this Code of Conduct.
2. Respectful Conduct
 - a. Elected Officers must treat one another, Members, Appointed Officers, and other BCNU employees respectfully, without abuse, bullying, or intimidation, and ensure Council's working environment is free from discrimination and harassment.
 - b. Respectful and courteous discussion enables parties to evaluate assumptions and challenge inherent biases, and promotes collaboration and reconciliation of diverse interests, which in turn leads to better Council performance and decision making. Accordingly, Elected Officers must:
 - i. Be committed to active listening and respectful communication;
 - ii. Create a culturally safe and brave conversation space and seek consensus by considering the opinions of others, striving for integration of viewpoints, building on ideas, and engaging in open and honest discussion and debate; and
 - iii. Be respectful of all viewpoints.
 3. Active Participation
 - a. Elected Officers are accountable for actively participating in the work of Council. They must:
 - i. Attend scheduled Council and Council Committee meetings;
 - ii. Obtain leave from the Council Chair or designated alternate for extended absences as soon as practicable;
 - iii. Be prepared for meetings by reading all pre-circulated materials;
 - iv. Exercise skill and diligence in their work and complete any assigned work;
 - v. Participate in Council and Council Committee discussions and decision making;
 - vi. Apply judgment carefully, while maintaining an open mind, and make decisions that are transparent, objective, impartial, and based on an analysis of all available and relevant data and the BCNU's Objectives as set out in Article 2 of the BCNU Constitution;
 - vii. Seek assistance from colleagues and/or BCNU employees to clarify any aspect of their work, role, or responsibilities where uncertain;
 - viii. Respect the finality of decisions made at Council and Council Committee meetings and be champions for the BCNU; and
 - ix. Maintain a general level of familiarity with the BCNU's operations, the services the BCNU provides, and any issues which may impact the BCNU.

Conflict of Interest

1. A conflict of interest arises when an Elected Officer holds another interest or position which could have the effect of, or the perceived effect of, compromising their ability to make a decision in the best interest of the BCNU.
2. Elected Officers must not use their role on Council for their own personal advantage, including any related business interests they may hold, or for the advantage of an associated person.
3. If an Elected Officer becomes aware that they are in a position that creates a conflict of interest, whether direct, indirect, real, or perceived, they will declare the nature and extent of the conflict of interest at a meeting of the Council and abstain from deliberating or voting on the issue giving rise to the conflict of interest.

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4. Any Elected Officer, including the Council Chair, may raise a point of order at any Council or Council Committee meeting on the question of whether another Elected Officer is in a conflict of interest.
5. If an Elected Officer disagrees that a conflict of interest exists, the Elected Officer shall leave the meeting where the matter of potential conflict of interest is being discussed and the Council or Council Committee Chair (or designate) shall put the question to the Council or Council Committee for discussion and vote. A majority ruling by the Council or Council Committee shall determine the issue and the decision shall be final. In the event of a tie, the Council or Council Committee Chair's (or designate's) vote will determine the issue.
6. If the Council or Council Committee decision to exclude an Elected Officer or Elected Officers results in a loss of quorum, the Council or Council Committee shall set aside the issue until later in the meeting or until a future meeting when the presence of other Elected Officers results in quorum notwithstanding the exclusion of the conflicted Elected Officer(s).
 - a. If the conflict of interest applies to all Regional Council Members who are Elected Officers, such that quorum cannot exist, the matter shall be referred to the Provincial Executive Committee.
 - b. If the conflict of interest applies to some, but not all, Elected Officers, Regional Council Members, and Provincial Executive Committee Members, such that quorum cannot exist in either of the Council or Provincial Executive Committee, Council may move to constitute the remaining Elected Officers as a special committee pursuant to the authority in Article 3.08 of the BCNU Bylaws with the authority to decide the issue of conflict of interest.
 - c. In the case where quorum cannot exist at the special committee, the issue will be referred to the Annual Convention.
7. An Elected Officer who accepts a position with any organization that could lead to a conflict of interest or a situation prejudicial to the BCNU's interests shall discuss the implications of accepting such a position with the Council Chair, recognizing that acceptance of such a position may require the Elected Officer's resignation from Council.
8. An Elected Officer shall immediately, unless otherwise directed by the Council Chair (or designated alternate if the conflict involves the Council Chair), take steps to resolve the conflict of interest.
9. Examples of common situations which may give rise to a conflict of interest are set out in [Appendix A](#).

Confidential Information

1. Confidential information means any information which the BCNU treats as confidential, and includes any information pertaining to BCNU's services, assets, marketing methods, strategies, personnel, suppliers, routines, policies, ideas, trade secrets, data, financial statements and information, Member information, and business procedures, and includes information about matters discussed during *in-camera* sessions, matters discussed with employers of Members or their representatives (such as the Health Employers Association of BC), and investigation reports of the Integrity Officer or Auditor General provided to Council.
2. Elected Officers, by virtue of their position and duties, have and will gain access to confidential information about various matters relevant to BCNU, including but not limited to information discussed during *in-camera* sessions. In order for Council to effectively fulfill its role, all Elected Officers must ensure that all confidential information remains strictly confidential and is not used or disclosed, except as reasonably required to perform their duties and/or as authorized, and must use best efforts to protect all confidential information from unauthorized use, access, and disclosure to third parties.
3. Elected Officers must not disclose or use confidential information gained by virtue of their association with the BCNU for personal gain, or to benefit associated persons.
4. Elected Officers are advised to seek guidance from the Council Chair (whose guidance may be informed by discussions with the Appointed Officers) with respect to what is considered confidential.

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5. An Elected Officer's obligations of confidentiality continue after they cease to serve on Council.

Communications by Elected Officers

1. Elected Officers must describe Council decisions and BCNU policies in a clear, concise, and factual manner.
2. Elected Officers must recognize that decisions made by Council are binding on all Elected Officers, regardless of how they voted individually.
3. If an Elected Officer disagrees with a decision of Council and wants to challenge it, they must do so in accordance with the rules of order at a meeting, or use the appropriate mechanisms set out in BCNU's policies, procedures, the Constitution and/or Bylaws.
4. Elected Officers will ensure that any individual communications, including communications made via social media, are respectful, not discriminatory, and not defamatory, and do not harass any person.

Entertainment, Gifts, Favours, and Other Benefits

1. Entertainment, gifts, favours, or other benefits associated with an Elected Officer's official duties and responsibilities may only be accepted or offered by an Elected Officer in the normal exchanges of hospitality or courtesy between persons doing business together and where they are of nominal value (under \$100.00).
2. All entertainment, gifts, favours, or other benefits received by an Elected Officer in association with their official duties and responsibilities must be disclosed to Council.
3. Elected Officers must return all gifts or other benefits exceeding \$100.00 as soon as practicable. If there is no opportunity to return an improper gift or benefit, or where the return may be perceived as offensive for cultural or other reasons, the gift or benefit must immediately be turned over to the BCNU's Chief Executive Officer ("CEO"), who will make a suitable disposition of the item.
4. An Elected Officer may accept modest discounts on a personal purchase of a supplier's products only if such discounts do not impact the BCNU's decision to purchase the same supplier's products, and if such discounts are generally offered to others having a similar business relationship with the supplier or customer. Elected Officers are advised to seek guidance from the Council Chair (whose guidance may be informed by discussions with the Appointed Officers) with respect to whether a discount is considered appropriate under this section.

Use of BCNU Property

1. An Elected Officer requires the BCNU's approval to use any property owned by the BCNU for personal purposes, or to purchase property from the BCNU, unless the purchase is made through the usual channels also available to the public.
2. Even then, an Elected Officer must not purchase property owned by the BCNU if that Elected Officer is involved in an official capacity in some aspect of the sale or purchase of that property.
3. Elected Officers have an obligation to ensure the proper use of BCNU assets and resources, for the purpose of exercising their role as Elected Officer and not for their own personal benefit or purposes. Elected Officers should ensure all BCNU property that may be assigned to them is maintained in good condition and must be able to account for such property.

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Part III: Integrity Officer

Appointment of Integrity Officer

1. Council must appoint an Integrity Officer to undertake the duties and responsibilities of the position as set out in the Code of Conduct.
2. The appointment of an Integrity Officer must be for a set term of two (2) years. An Integrity Officer may be appointed for more than one (1) term.
3. At the request of the Integrity Officer, Council may suspend the appointment for a mutually agreed period of time.
4. Council will not terminate an Integrity Officer's appointment except for cause.
5. The appointment of an Integrity Officer may only be made, suspended, or terminated by a two-thirds (2/3) vote of all Elected Officers.

Appointment of Interim, Ad Hoc, or Deputy Integrity Officer

1. The CEO may appoint an interim / ad hoc Integrity Officer in the following circumstances:
 - a. If Council has not yet entered into a contract for the appointment of an Integrity Officer;
 - b. In the interim period between the expiry of the appointment of one Integrity Officer and the appointment of a new Integrity Officer; or
 - c. If the appointed Integrity Officer is unable or unwilling to act.
2. At the request of the Integrity Officer, the CEO may appoint a Deputy Integrity Officer to serve in the place of the Integrity Officer for a period of time.

Duties and Responsibilities of Integrity Officer

1. The duties and responsibilities of the Integrity Officer are as follows:
 - (a) Provide advice and recommendations to a Member on questions of compliance with the Code of Conduct when requested to do so by that Member;
 - (b) Prepare written materials and content for the BCNU's website for distribution to and use by Members to aid in their understanding of the role of the Integrity Officer and the ethical obligations and responsibilities of Elected Officers under the Code of Conduct;
 - (c) Deliver educational programs regarding the role of the Integrity Officer and the ethical obligations and responsibilities of Elected Officers under the Code of Conduct;
 - (d) Assist with informal resolution of confidential requests and complaints;
 - (e) Receive and conduct a preliminary assessment of all complaints to determine if the complaints must be rejected, closed, resolved informally, or investigated;
 - (f) Investigate and conduct inquiries as to violations of the Code of Conduct;
 - (g) Report to Council as to whether an Elected Officer has violated the Code of Conduct;
 - (h) Make recommendations on appropriate sanctions and remedies if an Elected Officer has violated the Code of Conduct;
 - (i) Submit an annual budget for approval by Council; and
 - (j) Publish an annual report each year that includes a summary of the work of the Integrity Officer, a summary of Council's determinations under Part IV: Complaints, Adjudication, Decision Making, and Sanctions, section Final Determination by Council, and any advice or recommendations that the Integrity Officer has to improve the text or operation of the Code of Conduct.
2. The Integrity Officer must perform the duties and responsibilities of their office in an independent manner.

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3. The Integrity Officer, at their discretion, may assign their duties and responsibilities to the Auditor General.

Powers After Resignation or Expiry of Term of Integrity Officer

1. If the Integrity Officer resigns or their appointment expires, the CEO may authorize that individual to continue to exercise the powers of the Integrity Officer in regard to any complaint received before the end of their term.
2. An authorization under 1 above continues until the complaint which is the subject of the authorization is rejected, closed, or resolved informally, or a written investigation report is delivered to Council.

Appointment of Auditor General

1. Council must appoint an Auditor General to undertake the duties and responsibilities of the position as set out in the Code of Conduct.
2. The appointment of an Auditor General must be for a set term of two (2) years. An Auditor General may be appointed for more than one (1) term.
3. At the request of the Auditor General, Council may suspend the appointment for a mutually agreed period of time.
4. Council will not terminate an Auditor General's appointment except for cause.
5. The appointment of an Auditor General may only be made, suspended, or terminated by a two-thirds (2/3) vote of all Elected Officers.

Appointment of Interim, Ad Hoc, or Deputy Auditor General

1. The CEO may appoint an interim / ad hoc Auditor General in the following circumstances:
 - a. If Council has not yet entered into a contract for the appointment of an Auditor General;
 - b. In the interim period between the expiry of the appointment of one Auditor General and the appointment of a new Auditor General; or
 - c. If the appointed Auditor General is unable or unwilling to act.
2. At the request of the Auditor General, the CEO may appoint a Deputy Auditor General to serve in the place of the Auditor General for a period of time.

Duties and Responsibilities of Auditor General

1. The duties and responsibilities of the Auditor General are as follows:
 - a. At the direction of the Integrity Officer, perform any of the Integrity Officer's duties and responsibilities with respect to the BCNU's financial management and control policies, including with respect to the following sections from Part II: Standards and Expectations of Elected Officers of the Code of Conduct,
 - i. Conflict of Interest
 - ii. Entertainment, Gifts, Favours, and Other Benefits, and
 - iii. Use of BCNU Property, and
 - b. At the direction of the Integrity Officer, investigate any complaints involving Elected Officers submitted under the BCNU's Whistleblower Policy 9.0.17.
2. The Auditor General must perform the duties and responsibilities of their office in an independent manner.

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Powers After Resignation or Expiry of Term of Auditor General

1. If the Auditor General resigns or their appointment expires, the CEO may authorize that individual to continue to exercise the powers of the Auditor General in regard to any complaint received before the end of their term.
2. An authorization under 1 above continues until the complaint which is the subject of the authorization is rejected, closed, or resolved informally, or a written investigation report is delivered to Council.

Part IV: Complaints, Adjudication, Decision Making, and Sanctions

Complaint and Resolution Procedures

1. All complaints against an Elected Officer alleging a breach of the Code of Conduct are subject to the procedures set out in the Code of Conduct and are not subject to the procedural requirements of Article 12 of the BCNU Bylaws. For greater clarity, in adopting the Code of Conduct, including the following complaint and resolution procedures, Council is acting pursuant to the authority in Articles 1.10, 1.11, and 11.01 of the BCNU Bylaws.
2. In the event that the CEO (or designate) receives a complaint that an Elected Officer has engaged in conduct that, if established, may constitute a breach of the Code of Conduct, the CEO will refer the complaint to the Integrity Officer and the complaint and resolution procedures in the Code of Conduct will apply.

Confidential Requests

1. If a Member, an Elected Officer, an Appointed Officer, or other BCNU employee believes they have been subject to conduct by an Elected Officer in breach of the Code of Conduct, that person may approach the Integrity Officer on a confidential basis, without the need to file a complaint, to request that the Integrity Officer inform the Elected Officer of the alleged breach. Upon receipt of the confidential request, the Integrity Officer may attempt to address the conduct with the Elected Officer.
2. The Integrity Officer must protect the confidentiality of a person making a request under 1 above, unless the person making the request consents to disclosure.

Complaint Procedure

1. Any Member, Elected Officer, Appointed Officer, or other BCNU employee may submit a complaint to the Integrity Officer.
2. A complaint must be in writing and describe with sufficient detail:
 - a. The name of the complainant;
 - b. The name of the respondent;
 - c. The conduct of the respondent that the complainant alleges to have breached the Code of Conduct;
 - d. The date of the alleged conduct;
 - e. The part or parts of the Code of Conduct that the complainant alleges has or have been breached; and
 - f. The basis for the complainant's knowledge about the conduct.
3. A complainant may specify in the complaint if they are willing to participate in an informal resolution of the complaint.
4. Provided that a complaint has been submitted, the Integrity Officer may accept a complaint, notwithstanding that the form of the complaint does not comply with all the requirements set out in section 2 above if, in the Integrity Officer's opinion, the circumstances warrant.

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5. The Integrity Officer must not accept multiple complaints concerning the same matter. In the event that the Integrity Officer receives multiple complaints concerning the same matter, the Integrity Officer 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. If the Integrity Officer rejects a complaint on this basis, the Integrity Officer may communicate the reasons for their decision to the complainants whose complaints were rejected and may advise those complainants of the result of the complaint that is investigated.
6. A complaint should be brought no more than sixty (60) days after the complainant knew or reasonably ought to have known of the alleged breach of the Code of Conduct. The Integrity Officer may consider extenuating circumstances in choosing to accept a complaint received outside of this time period.
7. The Integrity Officer must reject a complaint received regarding an existing Elected Officer seeking election to an Elected Officer position in the period from the day during the nomination period that the Elected Officer submitted their nomination for election to the conclusion of voting.
8. In the period sixty (60) days prior to the conclusion of voting, the Integrity Officer may suspend any investigation underway until the day after the conclusion of voting.
9. Where a complaint is made against an Elected Officer and the complaint procedure overlaps with a Council election and the Elected Officer is not re-elected in that election, the Integrity Officer may determine the investigation is no longer required and close the complaint on that basis.

Preliminary Assessment

1. On receipt of a complaint, the Integrity Officer must conduct a preliminary assessment. If at that time, or at any time thereafter, the Integrity Officer is of the opinion that the complaint is frivolous, vexatious, or not made in good faith, or there are no grounds or insufficient grounds for concluding that a violation of the Code of Conduct has occurred, the Integrity Officer will notify the complainant and the respondent in writing that the complaint is closed and include the reasons for closing it, and close the complaint.
2. Notwithstanding 1 above, the Integrity Officer may request further information from the complainant before determining whether there are sufficient grounds for believing that a breach of the Code of Conduct may have occurred.
3. In the event that the Integrity Officer is of the opinion that a complaint concerns the conduct of an Elected Officer when acting in a capacity other than Officer, the Integrity Officer may refer the complaint to the CEO.

Informal Resolution

1. When determining whether the complaint may be resolved informally, the Integrity Officer may consider culturally appropriate, transformative, or restorative justice approaches, and may engage a third party to assist the Integrity Officer for this purpose.
2. Where the Integrity Officer refers the complaint in accordance with 1 above, the President, the Vice President, or the CEO, as the case may be, may agree to assist in resolving the complaint directly, or may appoint a third party to assist in resolving the complaint at their discretion.
3. The person assisting in the informal resolution of a complaint will assess the suitability of the complaint for settlement or resolution on an ongoing basis and may decline to assist at any point.
4. The complainant and the respondent can decline to participate in an informal resolution at any time.
5. If a complaint is resolved informally, the person assisting in resolving the complaint must notify the Integrity Officer in writing of the terms of the resolution, upon receipt of which the Integrity Officer must close the complaint.

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6. If a complaint cannot be resolved informally, the person assisting in resolving the complaint must refer the complaint back to the Integrity Officer for a formal investigation.

Formal Resolution

1. If a complaint is not rejected, closed, or resolved informally, the Integrity Officer must proceed with a formal investigation.
2. The Integrity Officer must serve the details of the complaint on the respondent with a request that the respondent provide a written response to the complaint together with any submissions the respondent chooses to make, and the Integrity Officer may set a specific timeline for doing so.
3. The Integrity Officer may serve the complainant with the respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within a specific timeline.
4. The Integrity Officer may:
 - a. Speak to anyone relevant to the complaint;
 - b. Request disclosure of documents relevant to the complaint; and
 - c. Access any record in the possession or control of the BCNU relevant to the complaint.
5. The Integrity Officer must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.
6. The Integrity Officer may suspend any investigation underway for the purpose of attempting to resolve the complaint informally, either at the Integrity Officer's own determination, or at the request of a party to the investigation.

Investigation and Reporting

1. The Integrity Officer must make a decision within ninety (90) days of making a decision to proceed with a formal investigation, unless Part IV: Complaints, Adjudication, Decision Making, and Sanctions, sections Complaint Procedure, item 9, or Formal Resolution, item 6 applies, or the Integrity Officer determines that doing so is not practicable, in which case the Integrity Officer must notify the complainant and the respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to thirty (30) days on provision of written notice to the complainant and the respondent.
2. A notification issued pursuant to Part IV: Complaints, Adjudication, Decision Making, and Sanctions, sections Complaint Procedure, item 5, Preliminary Assessment, item 1, or Investigation and Reporting, 1 above is confidential and must not be disclosed except in the following circumstances:
 - a. The Integrity Officer may use information in the notification in an annual report in the form of context and statistics;
 - b. The Integrity Officer may prepare an anonymized bulletin based on the notification if the Integrity Officer believes that doing so would benefit Members;
 - c. The respondent may disclose the fact that the complaint has been closed, or that a finding has been made that the respondent did not breach the Code of Conduct; and
 - d. The Integrity Officer must disclose the notification to the CEO where the complaint is made by a BCNU employee and the subject of the complaint may be subject to BCNU employment policies and/or applicable employment-related legislation, including the *British Columbia Human Rights Code* and the *Workers Compensation Act*.
3. If after reviewing all material information the Integrity Officer determines that the respondent did not violate the Code of Conduct, then:
 - a. The Integrity Officer must prepare a written investigation report providing reasons for their determination that the respondent did not violate the Code of Conduct;

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- b. The Integrity Officer must deliver, on a strictly confidential basis, a copy of the investigation report to the complainant, the respondent, and Council; and
 - c. The Integrity Officer must make a summary of the investigation report available to Members through the Member portal on the BCNU website (“Member Portal”) no sooner than forty-eight (48) hours after delivery of the investigation report to the complainant, the respondent, and Council. The Integrity Officer will remove from the summary any information that could reasonably be determined to identify the complainant and the respondent.
 4. If after reviewing all material information the Integrity Officer determines that the respondent did violate the Code of Conduct, then:
 - a. The Integrity Officer must prepare a written investigation report providing reasons for their determination that the respondent violated the Code of Conduct;
 - b. The investigation report must contain recommendations as to the appropriate sanction and remedy for the violation;
 - c. If the Integrity Officer determines that the respondent did breach the Code of Conduct, but that the respondent took all reasonable steps to prevent it, or that it was trivial or done inadvertently, or because of an error in judgment made in good faith, the Integrity Officer must so state in the investigation report and may recommend that no sanction or remedy be imposed;
 - d. The Integrity Officer must deliver, on a strictly confidential basis, a copy of the investigation report to the respondent;
 - e. The Integrity Officer must deliver, on a strictly confidential basis, a copy of the investigation report to the complainant and Council forty-eight (48) hours after delivery of the investigation report to the respondent; and
 - f. The Integrity Officer must make a summary of the investigation report available to Members through the Member Portal after delivery of the investigation report to the complainant and Council. The Integrity Officer must remove from the summary any information that could reasonably be determined to identify the complainant and the respondent.

Final Determination by Council

1. Council must, within thirty (30) days of delivery of the investigation report pursuant to Part IV: Complaints, Adjudication, Decision Making, and Sanctions, section Investigation and Reporting, item 4, or a longer period if approved by a vote of Council, determine by a two-thirds (2/3) majority vote whether to accept the Integrity Officer’s finding of a violation of the Code of Conduct, and the appropriate sanctions and remedies, if any, that are warranted by the violation of the Code of Conduct by the respondent, and must take such actions as Council considers appropriate in the circumstances.
2. Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the respondent must be provided with an opportunity, either in person or in writing, to comment to Council on the decision and any recommended sanctions and remedies.
3. If Council does not accept the Integrity Officer’s finding of a violation of the Code of Conduct, Council must, within seven (7) days of its decision, make a summary of the reasons for its decision available to Members through the Member Portal. Council must remove from the summary any information that could reasonably be determined to identify the complainant and the respondent.

Sanctions and Remedies

1. Sanctions and remedies that may be imposed for violating the Code of Conduct include the following:
 - a. Mandatory training, education, or skills development;

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- b. A letter of reprimand from Council addressed to the Elected Officer;
 - c. A fine;
 - d. Remediation, such as a direction from Council that the Elected Officer issue a letter of apology;
 - e. Suspension or removal of the Elected Officer from some or all Council Committees;
 - f. A temporary suspension from an Elected Position for a period not to exceed sixty (60) days;
 - g. A declaration that the Elected Officer has ceased to be a Member in Good Standing; and
 - h. Any other penalty Council considers appropriate in the circumstances.
2. Any sanctions imposed by Council will be posted on the Member Portal or otherwise be made available to Members.

Confidentiality of and Participation in Code Processes

1. The Integrity Officer must make all reasonable efforts to undertake any informal or formal resolution processes under the Code in confidence.
2. The Integrity Officer and every person acting under the Integrity Officer's instructions must preserve confidentiality with respect to all matters that come into the Integrity Officer's knowledge in the course of any informal or formal resolution process under the Code, except as required by law.
3. All Members, Elected Officers, Appointed Officers, or other BCNU employees must comply with any direction from the Integrity Officer regarding the confidentiality of any informal or formal resolution process taken under the Code.
4. An investigation report and a summary investigation report must only disclose such matters as in the Integrity Officer's opinion are necessary for the purpose of the investigation report and, in the case of a summary investigation report, must comply with Part IV: Complaints, Adjudication, Decision Making, and Sanctions, section Investigation and Reporting, items 3(c) and 4(f).
5. Members, Elected Officers, Appointed Officers, or other BCNU employees must cooperate with the conduct of the investigation of complaints under the Code, including by participating in interviews, providing documents or other records, and responding to written requests from the Integrity Officer or Auditor General.
6. If a Member, Elected Officer, Appointed Officer, or other BCNU employee fails to comply with a direction from the Integrity Officer or Auditor General regarding confidentiality, or fails to cooperate with the conduct of an investigation under the Code:
 - a. With respect to a Member, the Integrity Officer or Auditor General, using reasonable discretion, may dismiss a complaint, and dismiss future complaints submitted by the same BCNU Member;
 - b. With respect to an Elected Officer or Appointed Officer, the Integrity Officer or Auditor General may find that the failure constitutes a breach of the Code; and
 - c. With respect to a BCNU employee, the failure will be referred to the CEO to be addressed through applicable workplace policies.

Reprisals and Obstruction

1. No Member, Elected Officer, Appointed Officer, or other BCNU employee will obstruct the Integrity Officer in the carrying out of the Integrity Officer's duties or responsibilities.
2. No Member, Elected Officer, Appointed Officer, or other BCNU employee will threaten or undertake any active reprisal against a complainant or against a person who provides information to the Integrity Officer in the context of an investigation.

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3. No Member, Elected Officer, Appointed Officer, or other BCNU employee will tamper with or destroy documents or electronic records related to any matter under investigation under the Code of Conduct or refuse to respond to the Integrity Officer when questioned regarding an investigation.

Policy Footnotes

Section	2 Code of Conduct
Sub-section	2.0
Policy Number	2.0.1
Council Approved	05-11-96
Council Revised	04-12-25
Further reading	Policy 6.1.1

POLICY AND PROCEDURES MANUAL

Appendix A

Examples of Conflicts of Interest

There are various situations that could give rise to a conflict of interest. The most common are accepting entertainment, gifts, and favours from suppliers; having close or family relationships with outside suppliers; passing confidential information to competitors; and using privileged information inappropriately.

The following are examples of the types of conduct and situations that can lead to a conflict of interest:

1. Influencing the BCNU to lease equipment from a business owned or controlled by the Elected Officer or associated person;
2. Influencing the BCNU to allocate funds to an institution where the Elected Officer or associated person works;
3. Participating in a decision which results directly or indirectly in the BCNU hiring or promoting an associated person; and
4. Serving as a director or an officer of another corporation, related or otherwise, and possessing confidential information received in that role that is of importance to a decision being made by the BCNU. The Elected Officer cannot discharge the duty to maintain such information in confidence while at the same time discharging the duty to make a disclosure as an Elected Officer of the BCNU.