REQUEST FOR STATEMENTS OF QUALIFICATIONS (RFSQ) No. 25-034

DATE:	June 19, 2025
Project Title:	**Code of Conduct - Third-Party Commissioner**

The Regional District of Nanaimo (RDN) invites qualified and experienced legal firms to submit Statements of Qualifications to provide third-party commissioner services to the RDN in relation to its Code of Conduct Policy A1.37 (Attachment 1).

A. Intent

This Request for Statements of Qualifications (RFSQ) is issued to determine the most qualified and experienced service provider that can meet the Regional District of Nanaimo's requirements, expectations, and timeline.

The Regional District of Nanaimo will review submissions received in response to this RFSQ and enter discussions with the top-ranked Respondent to negotiate the terms, scope, timeline, and cost based on the actual scope of work required (the Work). Should these negotiations fail to result in a contract for the Work, the Regional District of Nanaimo may then elect to negotiate with the next highest ranked service provider and so on until an agreement is reached or the process cancelled.

In any event, the Regional District of Nanaimo shall not be bound to enter a contract with any Respondent to this RFSQ and, at its sole discretion, may elect to collapse this process.

B. Background

The Regional District of Nanaimo Board has adopted Code of Conduct Policy A1.37 which outlines the shared expectations for conduct and behaviour for how members of the RDN Board, their alternates, RDN Committees and RDN Commissions should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community. As such, the RDN wishes to retain a legal firm and appoint primary and secondary contacts as third-party commissioners to oversee the RDN Code of Conduct complaint and resolution process as identified in the RDN's Code of Conduct Policy A1.37.

C. Contemplated Scope of Work and Timeline

Once a firm is selected, a primary and secondary third-party commissioner will be appointed by the Regional District of Nanaimo Board for a term based on the discretion of the Board. It is anticipated that a secondary commissioner will be appointed to provide services in the absence of the primary commissioner. Appointed third-party commissioner services will be utilized on an "as needed" basis as complaints are initiated through the policy.

D. Statement of Qualifications and Evaluation

The statement of qualifications should be no longer than fifteen (15) single sided pages in length (including cover page, cover letter and appendices). Please include the following:

- Firm Overview – A brief history of the firm, its areas of practice, and it's experience in public sector governance, conflict and dispute resolution, and ethics.
- Relevant Experience – Specific examples of the firm's and experience with codes of conduct, complaints processes and/or oversight in a similar context.
- Proposed Contacts - Details of the proposed primary and secondary contact who would be appointed as third-party commissioners, including their qualifications, experience, and roles in the process. Please include CV/Resume of the proposed contacts and explain how these individuals will provide value for the RDN.
- Methodology and Approach - An outline of the firm's approach to handling complaints and resolving conflicts in accordance with the RDN Code of Conduct Policy A1.37.
- Confidentiality and Impartiality - A statement detailing how the firm ensures impartiality and confidentiality in its services.
- A statement of your firm's approach to advancing equity and sustainability in corporate operations and service provisions, including any certifications in this regard.

Statements of Qualifications (the "SOQ") will be evaluated by the Regional District of Nanaimo Board and assigned a score out of 100 based on the above evaluation criteria. Any or all SOQs will not necessarily be accepted.

E. Submission Date & Time

Statements of Qualifications should be received on or before 3:00:00 p.m. local time on the 11th day of July, 2025. The RDN at its sole discretion, reserves the right to accept late submissions.

F. Questions and Submissions

Questions and submissions should be directed to:

Jacquie Hill, Manager, Legislative Services, at jhill@rdn.bc.ca.

G. Additional Information

Attachment 1 - Code of Conduct Policy A1.37

If the RDN determines that additional information is required, the RDN will post an Addendum on the RDN (www.rdn.bc.ca/current-bid-opportunities) and the new BC Bid (www.bcbid.gov.bc.ca/) websites. It is the sole responsibility of interested vendors to check for additional information prior to submitting their response.

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT:	***Code of Conduct***	POLICY NO:	A1-37
		CROSS REF.:	A1-03
EFFECTIVE DATE:	January 25, 2022	APPROVED BY:	Board
REVISION DATE:	June 14, 2022 July 23, 2024	PAGE:	1 OF 19

A. POLICY STATEMENT

The Regional District of Nanaimo (RDN) Board of Directors is committed to shared expectations for conduct and behaviour for how members of the RDN Board, their alternates, RDN committees, and RDN Commissions should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.

B. PURPOSE

It is the responsibility of RDN Members, to uphold both the letter and the spirit of this Code of Conduct in their dealings with other RDN Members, staff, and the public. RDN Members must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted, and applied by RDN Members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as this Policy and policies of the Regional District of Nanaimo, the common law and any other legal obligations that apply to RDN Members individually or as a collective Board, committees, or commissions.

Provincial legislation requires local governments in British Columbia to address code of conduct expectations for RDN Members in each four-year term of office. This policy is designed to ensure compliance with this new legislative requirement.

C. PROCEDURE

Following an election, each RDN Member will be provided with this Code of Conduct Policy and a signature endorsing this Code of Conduct Policy will be requested from each RDN Member as part of the orientation process.

D. SCOPE

This Code of Conduct applies to all RDN Members whether they are at a Workplace or are in a context or place in which they are presenting themselves or are presumed to be presenting themselves as an RDN Member and to the use of social media by an RDN Member.

E. DEFINITIONS

"**Bully and Harass**" includes:

(a) any conduct that would be contrary to the RDN's Respectful Workplace Policy;

(b) any unwelcome or objectionable conduct or comment that would be considered Discriminatory;

(c) any other unwelcome or objectionable conduct or comment by an RDN Member toward another RDN Member, volunteer, or staff that causes that individual to be humiliated or intimidated, including verbal aggression, insults, making derogatory comments, including questioning the professional competence of an RDN Member, volunteer, or staff, calling someone derogatory names, hazing or initiation practices, vandalizing personal belongings, or spreading malicious and untrue rumours;

"**Commissioner**" means the person appointed by the RDN Board to act as the commissioner for the purposes of this Policy;

"**Complaint"** means a complaint initiated pursuant to Part M of this Policy;

"**Complainant**" means an RDN Member, RDN Officer, or RDN staff who have experienced conduct by an RDN Member which they believe to be a contravention of the requirements of this Policy;

"**Confidential Information**" means information or a record that is marked confidential by RDN Board or staff that is Personal Information, that could reasonably harm the interests of individuals or organizations including the RDN if disclosed to persons who are not authorized to access the information, or information or a record to which section 117 of the *Community Charter* applies, including, without limitation, any:

(a) decisions, resolutions, information, or report contents forming part of the agenda for or from an in-camera meeting of the RDN Board or an RDN Committee or Commission until a decision has been made for the information to become public or otherwise released; and,

(b) details about the in camera deliberations of the RDN Board or an RDN Committee or Commission, or specific details on whether an individual RDN Member voted for or against a matter;

"**Conflict of Interest**" means a conflict of interest as defined in Part 4 Division 6 of the *Community Charter;*

"**Discrimination**" means treatment of a person on the basis of the criteria considered discriminatory under the *Human Rights Code* if the treatment was premised on any of the following prohibited grounds:

(a) race;

(b) conviction for an offence unrelated to the elected or appointed position of the individual;

(c) colour;

(d) ancestry;

(e) physical disability;

(f) place of origin;
(g) mental disability;
(h) political belief;
(i) sex;
(j) religion;
(k) age;
(l) marital status;
(m) sexual orientation;
(n) gender identity or expression; or,
(o) family status.

"**Gift or Personal Benefit**" means an item or service of value that is received by an RDN Member for personal use greater than $250.00 and includes, but is not limited to, cash, gift cards, tickets to events, clothing, jewelry, pens, food, beverages, discounts, and free admission to events that would otherwise be subject to a fee.

"**Lobbying**" means any communication with or to an RDN Member by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development decisions, licence or permit decisions, introduction, passage, defeat, amendment, or repeal of a bylaw, Policy, motion, resolution, or development approval, zoning Policy amendment, or termination of a RDN policy, program, directive, guideline, or the outcome of a decision on any matter before the Board, a Committee of the Board, a Commission, or staff;

"**Personal Information**" has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

"**RDN Member**" means an elected or appointed Director or Alternate Director of the RDN, an appointee to a board, committee, commission, panel, task force, or other body of the RDN;

"**Sexual Harassment**" is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation to an RDN Member, volunteer, staff, or a member of the public or that might reasonably be perceived by an RDN Member, volunteer, staff, or member of the public as placing a condition of a sexual nature on employment or on any opportunity for training or promotion, and examples of sexual harassment may include but are not limited to:

(a) Sexually oriented comments, including jokes that the individual knows, or ought reasonably to know, may be unacceptable or unwelcome;

(b) Conduct or gestures, such as leering;

(c) A display of sexually offensive material;

(d) Sexually degrading words used to describe a person;

(e) Derogatory remarks directed towards members of one sex or sexual orientation;

(f) Unwelcome inquiries or comments about a person's sex life;

(g) Unwelcome sexual flirtations, advances, touching or propositions;

(h) Persistent, unwanted conduct or attention after the end of a consensual relationship, which is again based on sex;

(i) Request for sexual favours;

(j) Sexual assault;

(k) Unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations;

(l) Verbal abuse and threats of a sexual nature;

(m) Intimidation, threat, or actual physical assault of a sexual nature;

(n) Sexual advances with actual or implied work-related consequences.

"**Workplace**" includes, but is not limited to, work sites owned, operated, or controlled by the RDN, including the administrative buildings, operations centres, parks locations and buildings, construction or maintenance sites, business related social functions, work locations away from such venues, work related conferences and training sessions, work related travel, telephone conversations, voice mail, or electronic messaging, or other locations where the prohibited conduct may have an impact on the work relationship, environment, or performance of any person to whom this policy applies.

F. INTERPRETATION

1. In this Policy, a reference to the Chair of the Board, Committee, or Commission, includes, in the absence of such Chair, the person appointed as deputy or appointed to act in the place of that person from time to time.
2. The provisions of this Policy are to be interpreted broadly and in a manner that is consistent with the *Local Government Act* and *Community Charter*.
3. Nothing in this Policy is intended to preclude RDN Members, prior to the filing of a Complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Policy.
4. The principles set out in Part G are to inform the substantive provisions of this Policy and are not standalone basis for Complaints.

G. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. **Integrity** – means conducting oneself honestly and ethically.

2. **Respect** – means having respect for others' perspectives, objectives, and rights; it also means demonstrating deference to the offices of local government and the role of local government in community decision making.

3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one's actions.

4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

H. STANDARDS OF CONDUCT

Integrity: Integrity is demonstrated by the following conduct:

RDN Members will:

1. Be truthful, honest, and open in all dealings, including those with other RDN Members, staff, and the public, while protecting confidentiality where necessary.
2. Behave in a manner that promotes public confidence, including actively avoiding any participation in a matter in which the RDN Member has a conflict of interest, or where participation would constitute an improper use of office or unethical conduct.
3. Ensure that their actions are consistent with the shared principles, values, and policies collectively agreed to by the board.
4. Behave ethically in all RDN matters including at open and closed meetings.
5. Follow through on their commitments.
6. Direct their minds to the merits of the decisions before them, ensuring that they do not Discriminate, and act on the basis of relevant information and principles with due consideration of the consequences of those decisions.
7. Express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

Respect: Respect is demonstrated through the following conduct:

RDN Members will:

1. Treat every person with dignity, understanding, and respect.
2. Acknowledge that every person's values, beliefs, ideas, and contributions add diverse perspectives that contribute to better decision making.
3. Demonstrate awareness of their own conduct, avoid Discrimination, and consider how their words or actions may be perceived by others as offensive or demeaning.
4. Not engage in behaviour that is indecent, insulting, abusive, or constituting Bullying or Harassment. This behaviour includes Sexual Harassment, unwanted physical contact, or other aggressive actions that may cause any person harm or make a person feel threatened.
5. Honour the offices of local government and dutifully fulfill the obligations of appointments.
6. Recognize and value the distinct roles and responsibilities of local government staff.
7. Call for and expect respect from the community towards RDN members, staff, and volunteers.

8. Ensure that public statements and social media posts that concern other elected officials, staff, volunteers, and the public are respectful.

Accountability: Accountability is demonstrated through the following conduct:

RDN Members will:

1. Be responsible for the decisions that they make, be accountable for their own actions, and honour the intentions of the Board.
2. Carry out their duties in an open and transparent manner so that the public can understand the processes and rationale used to reach decisions and the reasons for taking certain actions.
3. Ensure that information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
4. Correct any mistakes or errors in a timely and transparent manner.
5. Listen to and consider the opinions and needs of the community in all decision-making.
6. Act in accordance with the law, which includes, but is not limited to, applicable statutes, and policies that govern or guide local government.

Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

RDN Members will:

1. Behave in a manner that builds public trust and confidence in the local government.
2. Consider the issues before them and make decisions as a collective body. As such, RDN Members will actively participate in debate about the merits of a decision, but once a decision has been made, all RDN Members will recognize the democratic majority, ideally acknowledging its rationale when articulating their opinions on a decision.
3. Recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other RDN Members and staff to provide their perspectives on relevant issues.
4. As leaders of their communities, calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
5. Recognize, respect, and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other RDN Members, staff, volunteers, and the public.
6. Recognize the importance of the role of the chair of meetings and treat that person with respect at all times.

7. Provide considered direction on regional district policies and support colleagues and staff to do the same.
8. Educate colleagues and staff on the harmful impacts of Discriminatory conduct and take action to prevent this type of conduct from reoccurring if necessary.
9. Foster positive working relationships between RDN Members, staff, volunteers, and the public.
10. Commit to building mutually beneficial working relationships with First Nations to further advance reconciliation efforts.
11. Positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.

I. CONFIDENTIALITY OF INFORMATION PRESENTED IN CLOSED MEETINGS

1. All agendas, agenda packages, reports, correspondence, records, resolutions, presentation, or other information presented to the RDN Board, RDN Committees, or RDN Commissions in Closed meetings is subject to section 117 of the *Community Charter* and strictly confidential and, subject to the provisions of section 2 and 3 of this Part I, is not to be disclosed to any individuals, media, public, or other parties or entities until a resolution is passed by the Board releasing such materials and information into the public domain.
2. Notwithstanding the responsibilities of RDN Members set out in the *Community Charter*, in the absence of a note on a report indicating that it is "Confidential", RDN Members may disclose Closed information to their respective Councils if such disclosure is made in a Closed or in camera meeting of a Council for the purposes of:
    a. obtaining a Council response to an RDN proposal or undertaking; or,
    b. informing a Council of an RDN proposal or undertaking.
3. For those purposes, and only those purposes, RDN Members may also permit the disclosure of Closed meeting materials and information that is not marked "Confidential" to the Chief Administrative Officer (CAO) of the member municipality and the CAO's direct reports on the understanding no broader disclosure to third persons of such Closed meeting materials will be made and that such individuals are under an undertaking to prevent further disclosure of the materials. This directive does not permit the disclosure or release of closed meeting materials, information, discussions, or reports to the public, other parties, or entities, nor to external legal or other advisors assisting individual RDN Members.
4. If the RDN CAO determines that Closed meeting materials, discussions, and information referenced in section 1 of this Part I should not be disclosed to a Council pursuant to sections 2 and 3, they shall mark such materials "Confidential" printed in large type at the top of the report or information package. Any information or reports so marked and any release of such Closed information, including release to any Council or its staff, must be specifically authorized by a Rise and Report motion passed by the RDN Board detailing the terms of the release.

J. CONDUCT OF PUBLIC MEETINGS

RDN Members will:

1. prepare themselves for RDN Board, Committee, or Commission meetings and listen courteously to other RDN Members, staff, consultants, and members of the public speaking at such meetings.
2. not have closed minds on matters before them at statutory or public hearings.
3. will not of their own accord solicit, either directly or indirectly, new information regarding matters that are the subject of a statutory or public hearing while such matters are still under consideration by an RDN Board, Committee, or Commission.

K. COMMUNICATION GUIDELINES

1. RDN Members will:

(a) not issue instructions or directions to staff or volunteers;

(b) communicate directly with the CAO when seeking to provide information to staff;

(c) not interfere with, hinder, or obstruct staff, volunteers, or advisory board members in the exercise or performance of their roles, responsibilities, powers, duties, or functions.

(d) will not, before, during, or after a procurement process, provide assistance to, or provide instructions or directions to a contractor, tenderer, proponent, consultant, or other service provider. Outside of an RDN Meeting an RDN member shall not communicate with a tenderer or proponent regarding the subject matter of procurement.

Confidential Information

2. RDN Members will:

(a) respect the confidentiality of information concerning, but not limited to, the property, business, operational, personnel, or legal affairs of the RDN;

(b) save and except for the disclosure permitted under Part I, not disclose personal information regarding RDN Members, staff, or volunteers and shall be familiar with and comply with the requirements of the *Freedom of Information and Protection of Privacy Act*.

(c) only access RDN information and records for RDN business and not for personal, business, or other purposes; and,

(d) not alter any RDN records.

Communication Protocol

3. The RDN may appoint a spokesperson for RDN business and RDN related matters. Once a spokesperson is appointed, an RDN Member that is not appointed as the spokesperson will direct any inquiries from the public and media to the RDN spokesperson.

4. In all communications with media, on social media, or with the public, RDN Members must accurately communicate the decisions of the RDN Board, and its committees and commissions, even if the RDN Member disagrees with those decisions.

Social Media Use

5. The Regional District of Nanaimo's goal in using social media is to inform residents and the public of RDN's services, projects, and initiatives to enable engaging and effective communication to a broader audience in a timely way.

6. RDN Board members:

   (a) Are encouraged to share social media posts from the RDN to help broaden the reach of the information and help keep the public informed.

   (b) Will use their social media profiles as a secondary information source once matters have been officially released by the RDN.

   (c) Will ensure that social media profiles do not serve as official information on behalf of the RDN.

   (d) Will include a disclaimer to the effect that "the opinion expressed is my own and does not reflect the view or opinion of the RDN or RDN members" when making follow up or personal posts to the RDN's social media postings or other social media pages and when creating original posts pertaining to RDN-related business.

   (e) Will ensure that their social media content does not indicate a conclusive view on a matter coming before the RDN Board.

   (f) Will not engage in back-and-forth communications amongst themselves on social media to avoid the possibility of that being construed as a Board meeting.

   (g) Have a duty of confidentiality to the RDN and to uphold the RDN's reputation and RDN Members will not post any of the following on their social media:

      i. Information discussed in closed session unless the information has been released from closed session by a resolution of the RDN Board.

      ii. Information that would not be presented in a public forum.

      iii. Personal or confidential information regarding any RDN staff, RDN Members and/or advisory committee members.

      iv. Negative statements disparaging or calling into question the professional capabilities of staff.

      v. Confidential business information belonging to the RDN, including non-public financial or operational information.

(h) Will not use or allow their social media accounts to be used to Bully or Harass RDN Members, staff, or members of the public and shall monitor and immediately remove from their social media accounts any content, regardless of its source, that violates this Policy.

L. OTHER CONDUCT

Conflict of Interest

1) RDN Members will:

(a) be familiar and comply with the provisions and requirements of Part 4 – Division 6 of the *Community Charter* with respect to matters of potential Conflicts of Interest and a breach of those provisions is also a breach of this Policy;

(b) determine whether it is necessary to seek legal advice regarding a potential Conflict of Interest and if so, obtain such legal advice which may be reimbursed under the RDN's Legal Opinions Regarding Conflict of Interest of Board Members Policy A1-03.

Use of Influence

2) RDN Members will not;

(a) attempt to influence a decision of an RDN Board, Committee, Commission, Officer, or staff if the RDN Member has a Conflict of Interest in relation to that decision;

(b) use their office to provide or obtain preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties; and,

(c) intimidate, improperly influence, threaten, or coerce staff.

Gifts and Personal Benefits

3) RDN Members will not:

(a) accept a Gift or Personal Benefit unless accepted in accordance with Part 4, Division 6 of the *Community Charter*;

(b) permit a family member to accept a Gift or Personal Benefit on behalf of the RDN Member.

M. COMPLAINT AND RESOLUTION PROCESSES

Resolution of Complaint Outside of Complaint Process

1. Notwithstanding the Complaint process set out below, if a Complainant considers that they have been subjected to a contravention of this Policy by an RDN Member and if they are comfortable discussing the matter directly with the RDN Member, they are not required to file a Complaint and they may inform the RDN Member of the alleged contravention and request an apology and, if applicable, that the contravention cease immediately.

2. Nothing in this Policy precludes the Complainant from taking measures that the Complainant is entitled to take under law.

Resolution by Commissioner Before Submission of a Complaint

3. If an RDN Member or staff believes that they have been subject to conduct by an RDN Member in breach of this Code of Conduct, that person may approach the Commissioner on a confidential basis, without the need to file a Complaint, to request that the Commissioner inform the RDN Member of the alleged breach. Upon receipt of the confidential request, the Commissioner may attempt to address the conduct with the RDN Member and if the breach is acknowledged and an undertaking made to cease and desist in the conduct that was the subject matter of the Complaint, so advise the Complainant and terminate the process.
4. The Commissioner must protect the confidentiality of a person making a request under section 3 unless the person making the request consents to disclosure.

Initiating a Complaint

5. Any RDN Member may submit a complaint to the Commissioner.
6. Any RDN Staff may submit a complaint to Human Resources, the CAO, or the Commissioner.
7. A Complaint must be in writing and describe with sufficient detail:
    i. the name of the Complainant;
    ii. the name of the Respondent;
    iii. the conduct that the Complainant alleges to have breached the Code;
    iv. the date of the alleged conduct;
    v. the part or parts of this Policy that the Complainant alleges has or have been breached; and,
    vi. the basis for the Complainant's knowledge about the conduct.
8. After the Commissioner has completed the assessment of whether the Complaint should be dismissed or suspended under sections 15-19 of this Part M, the Commissioner will forward a copy of the Complaint to the RDN Member who is the subject of the Complaint and that RDN Member will provide a written response to the complaint within 10 days of receipt of the Complaint. The Commissioner may extend the deadline for the Response from the RDN Member.
9. A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint. Before taking steps to assist the Complainant and RDN Member with the informal resolution of the Complaint or initiating a mediation, the Commissioner shall complete the processes and actions set out in sections 10-19 of this Part M.
10. The Commissioner may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 7 of this Part M if, in the Commissioner's opinion, the circumstances warrant.
11. The Commissioner must not accept multiple Complaints concerning the same matter. In the event that the Commissioner receives multiple Complaints concerning the same matter, the Commissioner

must proceed with the first Complaint received, but may expand the Complaint or add Complainants for the purpose of conducting the investigation and preparing the investigation report.

12. A Complaint must be delivered to the Commissioner within 90 days after the Complainant knew or reasonably ought to have known of the alleged breach of this Policy. The Commissioner may extend this 90-day deadline up to a further 90 days if circumstances warrant an extension.
13. The Commissioner must reject a Complaint received regarding an RDN Board Member seeking re-election in the period from the first day of the nomination period to the general voting day.
14. In the 90 days prior to general voting day the Commissioner will suspend any investigation underway.

Dismissal or Suspension of Complaint

15. 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:

    i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act;*

    ii. with respect to non-compliance with a more specific RDN Board policy or Policy with a separate Complaint procedure; or,

    iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

    the Commissioner may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this Policy, or 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 Commissioner thinks appropriate.

16. If the Commissioner, 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* (Canada), the Commissioner must immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to RDN Board.
17. Where a Complaint is made against a RDN Board Member who, during the course of the Complaint procedure, ceases to be appointed to an RDN Board, Committee, or Commission, the Commissioner may close the Complaint and notify the Complainant and Respondent of this action.

Preliminary Assessment

18. On receipt of a Complaint, the Commissioner must conduct a preliminary assessment and if at that time, or any time thereafter, the Commissioner is of the opinion that:

    i. the statement is not with respect to a breach of this Policy;

    ii. the Complaint is frivolous, vexatious, or not made in good faith;

    iii. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or,

iv. there are no grounds or insufficient grounds for concluding that a violation of this Policy has occurred,

the Commissioner must notify the Complainant and the Respondent in writing that the Commissioner is closing the Complaint, set out the reasons therefore, and close the Complaint.

19. The Commissioner may request further information from the Complainant before determining whether or not there are sufficient grounds for determining that a breach of this Policy may have occurred.

Mutual Resolution

20. If the parties are unsuccessful in resolving the complaint informally, at the request of the Complainant and with the agreement of the RDN Member, a third party will be selected by the Commissioner to act as a mediator to assist in resolving the complaint through mediation.
21. The Complainant and the RDN Member may be accompanied to the mediation by a representative of their choice, including a lawyer or if the Complainant is a member of a union, a union representative, or a lawyer on behalf of the union, or both.
22. If the complaint is resolved through Mutual Resolution, a written record of the complaint and the resolution will be given to the Complainant and the RDN Member. If the mediator has recommendations for the RDN to consider, the mediator will forward these recommendations to the RDN CAO. The resolution and recommendations must be kept in confidence by the CAO and the parties unless the parties agree in writing to disclose the information.
23. If Mutual Resolution is not successful in resolving the complaint, the Complainant may pursue formal resolution and must deliver to the Commissioner a written Reply to the RDN Member's Response to the Complaint within 10 days of the conclusion of the Mutual Resolution process.

Formal Resolution

24. The Commissioner may:
    i. speak to anyone relevant to the Complaint;
    ii. request disclosure of documents relevant to the Complaint; and
    iii. access any record in the possession or control of the RDN, except a record that is subject to privilege.
25. The Commissioner must ensure that the formal investigation is fair and conforms with the requirements of natural justice.
26. Nothing prohibits the Commissioner from summarily dismissing a Complaint where in the course of the investigation it becomes apparent that the Complaint does not constitute a breach of this Policy.
27. If the Commissioner summarily dismisses a Complaint at the Formal Resolution stage, the Commissioner shall provide a summary report of the basis for their conclusion to the Complainant, the Respondent, and the RDN Board.

Adjudication and Reporting:

28. The Commissioner must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Commissioner determines that doing so is not practicable, in which case the Commissioner must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant and the Respondent, but shall not be extended into an election period.

29. A notification issued pursuant to sections 15, 16, 18, or 27 of this Part M is confidential and must not be disclosed except in the following circumstances:

    i. to RDN Board for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 44 of this Part M; and

    ii. 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 this Policy.

30. If, after reviewing all material information, the Commissioner determines that the Respondent did not violate this Policy, then:

    i. the Commissioner must prepare a written investigation report providing reasons for their determination that the Respondent did not breach the Policy;

    ii. the Commissioner must deliver a copy of the investigation report or, where appropriate, a summary thereof, to the Complainant, Respondent and RDN Board which the Complainant, Respondent, and RDN Board members must not disclose to the public or any third parties; and,

    iii. in consultation with Staff, the Commissioner shall produce and make publicly available a summary of the investigation report, in compliance with the *Freedom of Information and Protection of Privacy Act*.

31. If after reviewing all the material information, the Commissioner determines that a Respondent did violate this Policy, then the Commissioner must prepare a written investigation report providing reasons for their determination that the Respondent breached this Policy, which report must;

    i. contain a description of the allegations, a summary of the evidence of the parties and the witnesses, and a determination of whether a contravention occurred;

    ii. make recommendations as to the appropriate sanction for the breach; and,

    iii. recommend that no sanctions be imposed if the Commissioner determines that while the Respondent did breach this Policy, 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;

    and the Commissioner must:

    iv. deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and,

    v. deliver, on a strictly confidential basis, a copy of the investigation report to the Complainant and RDN Board forty-eight (48) hours after delivery of the investigation report to the Respondent.

Report to be Public

32. Where the Commissioner has determined that a RDN Board Member did violate this Policy, after the Commissioner has delivered a copy of the investigation report to the Complainant and RDN Board, the RDN must make a copy of the investigation report referenced in section 30(iii) of this Part M available to the public.

33. The RDN will ensure that the investigation report complies with the RDN's obligations regarding disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act* and ensure that appropriate redactions are applied prior to release to the public.

Final Determination by RDN Board

34. RDN Board must, within 30 days of delivery of the investigation report pursuant to section 31 of this Part M, or a longer period if approved by a 2/3 vote of RDN Board, decide on the appropriate measures, if any, that are warranted for the breach of this Policy, and will take such actions as RDN Board considers appropriate in the circumstances.

35. While an investigation report provided to RDN Board may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when RDN Board deliberates and votes on the investigation report, it will do so in a public meeting.

36. The RDN Member who is the subject of the investigative report must be provided with an opportunity, either in person, or in writing, or by way of a representative, to comment on the decision and any recommended censure, sanctions, or corrective actions at the time the RDN deliberates and votes on the investigative report pursuant to section 35 of this Part M prior to RDN Board making any decision regarding the findings, conclusions, and recommendations set out in the investigation report.

37. Notwithstanding section 35, of this Part M, the RDN Board may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*.

38. The RDN Board must pass a resolution setting out its conclusion on whether or not Respondent RDN Member breached this Policy.

Remedies

39. Sanctions that may be imposed for a violation of this Policy include one or more of the following:

    (a) a letter of reprimand from RDN Board addressed to the RDN Board Member;

    (b) a request from RDN Board that the RDN Board Member issue a letter of apology to the Complaint and any other parties affected by the breach of this Policy;

    (c) the publication of the letters contemplated in subsections (a) and (b);

    (d) directions to the RDN CAO regarding restrictions on the provision of documents, including documents containing Confidential Information, to the RDN Board Member;

    (e) a recommendation that the RDN Board Member attend specific training or counselling;

    (f) limitations on access to certain RDN facilities;

(g) suspension or removal of the RDN Board Member from some or all RDN committees and bodies to which the RDN Board Member was appointed by the RDN Board or Chair;

(h) prohibition from representing the RDN at events and/or attending conferences and seminars;

(i) suspension or removal of the appointment of a RDN Board Member as the Acting Chair or Chair of an RDN Committee or Commission;

(j) public censure of a RDN Board Member;

(k) reduction in compensation in accordance with the "Regional District of Nanaimo Board Remuneration, Expenses and Benefits Bylaw No. 1770, 2017"; and,

(l) any other sanction recommended by the Commissioner, so long as that sanction is within the authority of RDN Board.

Confidentiality of the Investigation

40. The Commissioner must make all reasonable efforts to investigate Complaints in confidence.

41. The Commissioner and every person acting under the Commissioners' instructions must preserve confidentiality with respect to all matters that come into the Commissioner's knowledge in the course of any investigation or Complaint except as required by law.

42. An investigation report must only disclose such matters as, in the Commissioner's opinion, are necessary for the purpose of the investigation report.

43. At the conclusion of the process, the Commissioner will destroy all the notes that were taken throughout the process of the investigation.

Reimbursement of Costs

44. If a member of staff is a complainant, the CAO will authorize the member of Staff to be reimbursed for legal fees reasonably incurred if the complaint was meritorious and a written request for reimbursement is filed with the CAO within three months of any final disposition of a complaint under this Policy.

45. The Regional District will pay the reasonably incurred legal fees of a Board Member who is subject to a complaint under this Policy up to a maximum of $15,000, provided that:

    (a) the Commissioner ultimately does not determine that the Board Member acted with dishonesty, gross negligence, malice, or willful misconduct; or

    (b) in any event, if the Board so resolves after considering all the circumstances and the determination of the Commissioner despite a finding of dishonesty, gross negligence malice or willful misconduct; or,

    (c) an amount above $15,000 that the Board finds to be reasonable in all of the circumstances.

46. Despite section 45 of this Part M, the Board may, by resolution, approve interim funding for a respondent Board Member's legal representation under this Part subject to the Board Member's written agreement to repay such funding if, after the Board concludes its deliberations, the Board determines that the Board Member engaged in dishonest, grossly negligent, malicious, or willful misconduct.

Vexatious Allegations and Complaints

47. Any individual covered by this Policy who makes an allegation or Complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:

    i. in the case of RDN Board Members, sanctions and remedies described in section 39 of this Part M.

    ii. in the case of RDN Committee or Commission members, termination of the RDN Member's appointment.

    iii. in the case of Staff, the termination of employment for just cause, as applicable.

By signing below, I hereby endorse the Code of Conduct policy for the Regional District of Nanaimo Board for the four-year term beginning October _____ (insert first year of the applicable four-year term) to October _____ (insert fourth year of the applicable four-year term):

_____	_____
Director	Director
_____	_____
Director	Director
_____	_____
Director	Director
_____	_____
Director	Director
_____	_____
Director	Director
_____	_____
Director	Director
_____	_____
Director	Director
_____	_____
Director	Director
_____	
Director	

_____
Alternate Director, Area A

_____
Alternate Director, Area B

_____
Alternate Director, Area C

_____
Alternate Director, Area E

_____
Alternate Director, Area F

_____
Alternate Director, Area G

_____
Alternate Director, Area H

_____
Alternate Director, City of Nanaimo

_____
Alternate Director, City of Parksville

_____
Alternate Director, City of Parksville

_____
Alternate Director, District of Lantzville

_____
Alternate Director, Town of Qualicum Beach