



Policies and Procedures for BCEDA Code of Ethics Enforcement

Effective September, 2015

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Introduction

BCEDA adopted a Code of Ethics in 2012 to demonstrate commitment of our economic development profession to the highest standards of professional conduct and integrity. It is also a tool to help economic development professionals foster more ethical working environments within their organizations while addressing economic development challenges in their communities.

In addition, the BCEDA Board of Directors has adopted a Bullying and Harassment Policy for the association, primarily for our office and to govern the conduct of our members and non-members at BCEDA Events. It is expected that BCEDA members will also follow these policies, as well as those outlined in the Workers Compensation Act and other Federal, Provincial and local government requirements.

This document provides the procedures and policies that govern enforcement of the BCEDA Code of Ethics and the BCEDA Bullying and Harassment Policy, both of which apply to all BCEDA members including the Board of Directors, as well as to non-members attending BCEDA Events.

These policies and procedures provide a process for resolving complaints of ethical violations and determining whether a member violated the Code. The policies and procedures help ensure that a member who is subject of an investigation (the “respondent”) is provided full and fair opportunity to be heard throughout the process.

The Committee on Professional Conduct (CPC) is the main body for reviewing and investigating alleged violations as well as determining sanctions, where appropriate.. Appeals of CPC decisions can be made to the BCEDA Executive Committee. Their decision will be considered final.

Review of alleged violations and sanctions will primarily be by way of a peer-review process. Staff support will be provided to the committee, as needed.

The BCEDA thanks the International Economic Development Council in providing support in the development of this policy manual by allowing us to use the IEDC Manual as an example and by providing periodic advice.

BCEDA Code of Ethics

Adopted September 12, 2012 by the BCEDA Board of Directors and modified September, 2015.

The following code of ethics was established by the British Columbia Economic Development Association to ensure a high ethical standard for those involved in economic development. This code of ethics is modelled on a similar document originally developed by the International Development Council.

1. Professional economic developers shall carry out their responsibilities in a manner which brings respect to the profession, the economic developer and the economic developer's constituencies.
2. Professional economic developers shall practice with integrity, honesty and adherence to the trust placed in them both in fact and in appearance.
3. Professional economic developers will hold themselves free of any interest, influence, or relationship in respect to any professional activity when dealing with clients which could impair professional judgement or objectivity or which in the reasonable view of the observer, has that effect.
4. Professional economic developers shall be mindful that they are representatives of the community and need to represent the overall community interest.
5. Professional economic developers shall keep the community, elected officials, boards and other stakeholders informed about the progress and efforts of the area's economic development program.
6. Professional economic developers shall maintain in confidence the affairs of any client, colleague or organization and shall not disclose confidential information obtained in the course of professional activities.
7. Professional economic developers shall openly share information with the governing body according to protocols established by that body. Such protocols shall be disclosed to clients and the public.
8. Professional economic developers shall cooperate with peers to the betterment of economic development technique, ability, and practice, and strive to perfect themselves in their professional abilities through training and educational opportunities.
9. Professional economic developers shall assure that all economic development activities are conducted with equality of opportunity for all segments of the community without regard to race, religion, sex, sexual orientation, ethnic or national origin, political affiliation, disability, age, marital status, or socioeconomic status.
10. Professional economic developers shall abide by the principles established in this code and comply with the rules of professional conduct as promulgated by BCEDA.
11. Professional economic developers and anyone else participating in BCEDA events and programs shall abide by the BCEDA Bullying, Harassment and Sexual Harassment Policy as described in Appendix A.

Committee on Professional Conduct

The Committee on Professional Conduct (CPC) will be the primary body for reviewing and investigating complaints, and determining sanctions if allegations are proven. The CPC is to be appointed annually by the Chair of the BCEDA Board, and is to be comprised of a minimum of three (3) people, at least two of whom must be members of the association.

The Nominating Committee of the BCEDA Board will nominate a Chair for the CPC from amongst the people appointed to the CPC, but ultimately the election of the CPC Chair will be made by the members of the CPC.

Goal

The CPC will be responsible for carefully reviewing complaints, investigating allegations and determining sanctions if the allegations are proven in accordance with the policies and procedures outlined in this manual. BCEDA staff will provide support as needed.

Reporting

The CPC will report to the BCEDA Executive Committee. The CPC Chair will provide updates as requested during the Executive and Board meetings. This report can be made in person, by teleconference, or in writing. Written reasons for decisions of the CPC, including findings and sanctions, will be provided to the Executive Committee within 7 days of the decision. Every reasonable effort will be made by the CPC to adhere to the policies and procedures outlined in this manual, taking into account the benefits to those involved and the public interest in prompt resolution of complaints, the goal of maintaining confidentiality to the extent feasible, and the circumstances of a given case.

Meetings

The CPC may hold meetings on a quarterly basis at the discretion of the Chair of the CPC to review these policies, or to discuss new and existing cases. Additional meetings may be scheduled for case reviews, hearings and other investigations, as necessary. However, if there are no complaints brought to the attention of the CPC in any given quarter, a meeting will not need to be held. When scheduling a meeting, the CPC Chair will endeavor to provide at least 10 days notice to CPC members. BCEDA staff will send out materials at least one week in advance of the meetings to CPC members.

Confidentiality Agreement

Members of the CPC agree to protect the identity and information regarding the alleged ethical violation(s) pertaining to all person(s) and organization(s) involved to the extent consistent with their other duties as a member of the committee. Each member of the CPC will be required to sign a confidentiality agreement.

Reporting an Alleged Ethical Violation

Alleged violations can be brought to the attention of BCEDA via a number of avenues – contacting a board member, the board chair, CEO or the Chair of the Committee on Professional Conduct (CPC). Complaints may also be initiated by the CPC on its own initiative or at the request of the board chair or

the CEO based on information concerning a potential ethical violation that comes directly to their attention by other means. The complaint should be submitted in writing with sufficient written or electronic documentation to adequately describe and support the allegation. Providing as much documented proof of the alleged violation as possible is strongly encouraged. BCEDA will ensure the confidentiality of the review process and keep the identity of the person submitting the complaint (the “Complainant”) confidential.

Anonymous complaints may be made, although anonymous testimony is not allowed if the matter proceeds to the detailed review phase.

Review Process for Alleged Violation

Upon receiving a complaint, BCEDA will engage in a multi-step process of reviewing the case and if the complaint is proven, determining appropriate sanctions, if any. The respondent(s) and complainant(s) will be engaged in each step of the review process. The steps include:

- Step I: Due Diligence
- Step II: Initial Review of Complaint
- Step III: Detailed Review of Complaint

The Chair of the CPC may grant an extension to any deadline established by these procedures on request of any involved person, taking into account the goal of prompt resolution of complaints.

Step I: Due Diligence – Information Gathering

Upon receiving a complaint, BCEDA staff will ensure that sufficient information has been provided for the Committee on Professional Conduct (CPC) to review and investigate the case. The information review will be completed and materials provided to the CPC within 10 business days. If the committee determines the need for additional information or documentation in order to proceed, BCEDA may contact the complainant(s) to request additional information, before or during the review process by the CPC.

Step II: Initial Review of the Complaint

The CPC will conduct an initial review of information regarding the complaint to determine:

1. Whether the alleged conduct, if true, is a violation of the Code of Ethics or the Bullying and Harassment Policy; and
2. Whether sufficient information and details have been provided in order to merit a full review.

Conditions Met

If the CPC determines that **BOTH** the foregoing conditions are met, the Chair of the CPC will inform the respondent(s) within 10 business days that a complaint has been submitted against the individual(s), provide a written summary of the complaint, information as to which specific tenet(s) of the code may have been violated and notice that the CPC has decided to undertake a detailed review of the case. The

respondent(s) will be allowed 10 business days to provide an initial response regarding the complaint and an additional 10 business days to provide documentation to the committee in response to the complaint.

The detailed review will not be conducted if the respondent(s) admit(s) to the violation(s) in their initial response or if the CPC confirms that the respondent(s) have been found guilty in a court of law of a crime or provincial statute contravention arising from the same incident. The CPC will then determine sanction(s) based on all the information available.

If the respondent(s) do not admit to the violation(s) in their initial response, the Chair of the CPC will appoint a Fact Finding Committee (FFC) comprised of two members of the CPC and supported by BCEDA senior staff. It will be established within 10 business days of the CPC receiving an initial response from the respondent(s). Further details about the FFC are provided in the next section.

Conditions Not Met

If either of the two conditions described above is not met, the CPC will communicate with the complainant(s) to advise them that based on the information provided, the CPC cannot determine that the Code of Ethics has been violated and the case will not be further reviewed unless additional relevant information is submitted to the CPC. The complainant(s) will have 10 business days to respond with additional information or the case will be closed.

Step III: Detailed Review of the Complaint

The Fact Finding Committee (FFC) will undertake a detailed review of the complaint and information provided by the complainant(s) and respondent(s). The review will be conducted in three parts, as described below.

Respondent(s) have an obligation to cooperate during the investigation and encourage others that may be involved with the case to do the same. The respondent(s) will have the opportunity to meet with the FFC in person or confer by phone to present their information. Respondent(s) may be accompanied by a personal representative to any meeting with the FFC during the detailed review process.

1. Fact Finding – the FFC will be responsible for investigating the complaint by reviewing information presented by the complainant(s) and respondent(s), interviewing both parties and additional witnesses at the FFC's discretion, as well as gathering information through other independent means to establish whether a violation of the Code of Ethics has occurred. The FFC will maintain detailed notes of the investigation and may require respondent(s) and complainant(s) to provide statements in response to the information collected. The FFC will complete its investigation and prepare a report with its findings of fact and recommendations within 45 days. Extensions may be granted by the Chair of the CPC, if requested.
2. Review by CPC – the remaining three members of the CPC will promptly review the fact finding report submitted by the FFC. If they determine that a violation has occurred based on the information provided in the fact finding report, they will decide on the type of sanction(s) to

impose, if any. The CPC will inform the respondent(s) in writing of the violation(s) determined by the CPC to have occurred and their intent to impose those sanction(s), and will provide a copy of the findings of fact which support the determination. The respondent(s) will also be advised that they have 10 business days to provide additional information that may alter the decision or the sanction(s) imposed and/or request a hearing, or the decision of the CPC will be final.

If additional information is submitted, the CPC will review the submission and inform the respondent(s) in writing whether it has determined to alter the decision or sanction(s). The respondent(s) will also be advised that they have 10 business days to request a hearing, or the decision of the CPC will be final. If a hearing is requested at either stage, the CPC will conduct the hearing in accordance with the procedures set out in this manual.

3. Hearings – Upon receiving a request for a hearing from the respondent(s), the CPC will schedule a hearing date allowing at least 10 business days for both parties to assemble materials relevant to the complaint. One or both of the members of the FFC will present the case against the respondent(s), while the remainder of the CPC members who were not part of the FFC will hear the case. The FFC members will not vote on the decision(s) by the CPC.

Respondent(s) have the following rights:

- To appear personally and give evidence on their own behalf
- To be accompanied by a personal representative or legal counsel
- To review, prior to the start of the hearing, all documents and other evidence to be presented against them during the hearing
- To cross-examine any witness(es) who testify against them
- To call witnesses, who will be subject to cross examination by the FFC or its representative
- To submit documents or other evidence

The Fact Finding report, as well as written statements(s) from the complainant(s) and respondent(s), will be admissible evidence for the hearing. All witnesses who testify may be questioned by the CPC. Testimony of witnesses may be taken in person or by telephone. If testimony is provided by telephone, a speaker phone or other communications device that permits the respondent(s), the CPC and all participants to hear the testimony as it is given must be available. Formal rules of evidence will not apply and the CPC may receive all evidence offered, in its discretion, and accord it such weight as the circumstances warrant.

Once the hearing is concluded, if the CPC determines that a violation of the Code of Ethics has occurred, the CPC will decide on the appropriate level of sanction(s) pursuant to the level of violation. The decision of the CPC, including the reason(s) and the sanction(s) if a violation is found, will be communicated in writing to the respondent(s) within 5 business days of completion of the hearing. If a violation is found, the respondent(s) will also be advised that they have 10 business days to appeal (see Appeals Process

for complete details).

The CPC will submit a brief Summary Report to the BCEDA Executive Committee within 5 business days of completion of the detailed review process explaining the review process undertaken, the findings and the sanction(s) imposed on the violator(s). The Fact Finding report may also be attached to this summary report.

Sanctions

No sanctions will go into effect until a decision of the CPC becomes final and any appeal is considered and decided.

In determining the sanction(s) to be imposed, the following factors may be considered: the nature of the violation, prior violations by the respondent, the harm caused to individuals or the public interest, whether the violation was intentional, mitigating circumstances, and any other factors which bear upon the seriousness of the violation. The following sanctions may be imposed in any combination:

1. Private Censure – The CPC issues a letter to the violator(s) stating that the individual(s) were found to have violated the BCEDA Code of Ethics, and that if the conduct or related misconduct is repeated in the future, it may be cause for more serious sanctions. The CPC will inform the complainant(s) that an ethical violation was determined and in its discretion may inform the complainant(s) that appropriate action was taken. If the violator has been certified by IEDC or EDAC, the CPC may contact the relevant organization to report the ethics violation and advise of the actions taken.
2. Public Censure – The CPC notifies the violator(s) and their employer(s), and the complainant(s) that the individual(s) were found to have violated the BCEDA Code of Ethics, the nature of any sanctions imposed, and will be advised that if the misconduct is repeated in the future, it may be cause for more serious sanctions. Notice may also be shared with the membership through BCEDA resources such as newsletters.
3. Suspension of Membership – The violator’s membership privileges with the BCEDA are suspended temporarily. While the violator’s employer(s) will continue to be a member of BCEDA, the violator(s) will be barred from participation in any BCEDA events. The duration of the period of suspension and any other conditions will be set by the CPC when the sanction is imposed.
4. Termination of BCEDA Membership / Cancellation of CEcD or Ec.D Certification / Removal from BCEDA Board of Directors – The violator will be prohibited from being a member of the BCEDA and participation in BCEDA events will not be permitted. While the employer(s) can continue to be a member of BCEDA, the violator(s) will be barred from participation in any BCEDA events. Cancellation of CEcD or Ec.D Certification is at the sole discretion of both IEDC and EDAC.

The CPC will regularly report on the number of cases filed with BCEDA and types of sanctions in the BCEDA newsletter. Reasonable efforts will be made to keep the identity of the respondent(s) and organization(s) involved in the case confidential, consistent with the policies and procedures set out herein.

Exceptions:

Provided that the affected member or event participant promptly brings the circumstance to the attention of the CPC and provides updates as required, no private or public censure will be carried out against a violator in the event of a pending civil or administrative proceeding, or criminal investigation or prosecution against the violator arising from the same circumstances. Publication of any such decision will be held in abeyance pending the closure of the other pending proceeding or investigation.

Appeals Process

A respondent may appeal a CPC finding of a violation by submitting a written appeal to the BCEDA Executive Committee within 10 business days of receiving notice of the decision from the CPC. The respondent's written appeal should explain why the respondent disagrees with the decision and may provide additional information for further consideration.

The Executive Committee will review the appeal as well as the summary report submitted by the CPC. The Chair of the CPC will be engaged in the review process by the Executive Committee but will not participate in any vote taken. The Executive Committee may accept or modify the findings and/or sanction imposed on the respondent. A decision by the Executive Committee will be delivered within 5 business days and their decision will be considered final.

Conflict of Interest

In case of an actual or apparent conflict of interest, member(s) of the CPC and Executive Committee will recuse themselves from participation in the review of the alleged violation(s). If a complaint is brought against a member of the CPC or Executive Committee, s/he will not be a part of the review process. The BCEDA Board Chair or the CPC Chair may appoint an additional BCEDA board member to participate in the review and investigation process, at their discretion.

Appendix A: BCEDA Bullying, Harassment and Sexual Harassment Policy

1. Workplace conduct

Bullying, harassment and sexual harassment is not acceptable or tolerated in this workplace or at BCEDA events. All workers, delegates, speakers, etc, will be treated in a fair and respectful manner.

2. Bullying and harassment

In this document (*Policies and Procedures for BCEDA Code of Ethics Enforcement*), bullying and/or harassment means:

- (a) any inappropriate conduct or comment, including sexual harassment, by a person towards a worker, delegate, speaker, etc, that the person knew or reasonably ought to have known would cause that person or others to feel humiliated or intimidated, and includes verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Sexual harassment includes actions such as pinching, patting, rubbing or leering, telling or forwarding dirty jokes, displaying pornographic materials, making suggestive comments, innuendo, and requests or demands of a sexual nature. The behaviour need not be intentional in order to be considered sexual harassment.

3. Workers/Delegates and Other participants in BCEDA Events must:

- not engage in the bullying and harassment of other workers, delegates or others involved in BCEDA Events
- report if bullying and harassment is observed or experienced
- apply and comply with the BCEDA policies and procedures on bullying and harassment

4. Application

This policy statement applies to all workers, including permanent, temporary, casual, contract, and student workers. It also applies to delegates, speakers and others attending BCEDA events. It applies to interpersonal and electronic communications, such as email.

5. Annual review

This policy statement will be reviewed periodically. A copy of this policy shall be posted on the BCEDA website and on event registrations.