

## **Advisory Neighborhood Commission 4C**

### Standards of Decorum and Conduct

#### **Article 1.0: PREAMBLE**

The ANC 4C Standards of Decorum and Conduct provides guidance and a standard for ethical and respectful conduct among Commissioners and other officials as well as between the Commission and its constituency. The Standards of Decorum and Conduct, along with the ANC 4C Bylaws, will govern the Commission except where they are not consistent with any superseding law, the Bylaws or any standing rules the Commission may adopt.

#### **Article 2.0: INTRODUCTION**

This Standards of Decorum and Conduct for Commissioners of ANC 4C is made in three parts: Context, Standards of Conduct and Procedures

- Section 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code.
- Section 2: Standards of Conduct, set out the conduct obligations required of Commissioners.
- Section 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee.

Commissioners have two distinct roles: as a member of the ANC; and as an elected person. Commissioners, as members of the ANC, should work as part of a team to make decisions and policies that guide the activities of the Commission. The role as an elected person requires Commissioners to represent the interests of the community and provide leadership. The Standards of Decorum and Conduct sets the standard of conduct that is expected when Commissioners exercise these roles.

#### **1. Section 1: CONTEXT**

This part of the Code establishes the purpose and principles that are used to interpret the standards in the Code. This part does not constitute separate enforceable standards of conduct.

##### **a. PURPOSE OF THE STANDARDS OF DECORUM AND CONDUCT OF DECORUM AND CONDUCT**

The Standards of Decorum and Conduct sets the minimum requirements of conduct for Commissioners in carrying out their functions. The Code has been developed to assist Commissioners to: understand the standards of conduct that are expected of them; enable them to fulfill their duty to act honestly and exercise a reasonable judgment; and act in a way that enhances public confidence in the integrity of Advisory Neighborhood Commissions. In addition, the code has been developed to increase the ability of the community to hold individual commissioners and the commission as a whole accountable for their actions.

**b. KEY PRINCIPLES**

This Standards of Decorum and Conduct is based on a number of key principles. It sets out standards of conduct that meets these principles. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provision of the Code, but do not themselves constitute separate standards of conduct.

- i. Integrity
- ii. Leadership
- iii. Selflessness
- iv. Impartiality
- v. Accountability
- vi. Honesty
- vii. Respect
- viii. Civility

**c. GUIDE TO ETHICAL DECISION MAKING**

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- i. Is the decision or conduct lawful?
- ii. Is the decision or conduct consistent with the Commission's Bylaws, Standards of Decorum and Conduct, or other operating documents?
- iii. What will the outcome be for the Commissioner, the ANC, and the community?
- iv. Do the outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- v. Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

**d. SEEKING ADVICE**

- i. You have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include the Chair of the Commission, the Office of the ANC, the Board of Elections, the Board of Ethics and Government Accountability, etc. You shall conduct yourself in a civil and respectful manner when raising any questions.

**2. Section 2 STANDARDS OF CONDUCT**

This part of the Standards of Decorum and Conduct sets out the conduct obligations required of Commissioners. Failure to comply with the Code may give rise to disciplinary action.

**a. GENERAL CONDUCT OBLIGATIONS**

- i. You must not conduct yourself in carrying out your function in a manner that is likely to bring the Commission into disrepute. Specifically, you must not act in a way that:
  - 1. contravenes the Commission's relevant administrative requirements and policies;
  - 2. is improper or unethical;
  - 3. is an abuse of power or otherwise amounts to misconduct;
  - 4. is a violation of the District of Columbia's laws on personnel feedback and performance evaluations;
  - 5. causes, comprises or involves intimidation, harassment or verbal or written abuse; and,
  - 6. causes, comprises or involves prejudice in the provision of a service to the community.
- ii. You must act lawfully, honestly and exercise a reasonable degree of judgment.
- iii. You must treat others with respect and be civil at all times.

**b. FAIRNESS AND EQUALITY**

- i. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- ii. You must take all relevant facts known to you or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

**c. HARASSMENT AND DISCRIMINATION**

- i. You must not harass or discriminate against, where discrimination is outlined by District of Columbia law, fellow Commissioners, personnel, or members of the public.

**d. PUBLIC COMMENT**

- i. Only commissioners of ANC 4C, as designated through official action, may make comment about or otherwise represent the official position of the Commission publicly. Commissioners in the course of their duties may make comment within areas under their management. Commissioners are not permitted to make public comment on behalf of the Commission unless specifically authorized to do so as outlined above.
- ii. While it is recognized that Commissioners, as members of the community, have the right to make public comment and enter into public debate on political and social issues, care is to be taken not to convey the impression that personal comments are the official Commission comments. It is recommended that Commissioners take reasonable

efforts to clarify if they are commenting in their official capacity or as a member of the community.

**e. RELATIONSHIP BETWEEN COMMISSIONERS**

- i. Obligations during meetings
  - 1. You must show respect and be civil in all manners towards the Chair, other Commissioners, and any members of the public while conducting official ANC business.
- ii. Inappropriate interaction

You must not engage in any of the following inappropriate interactions:

  - 1. Commissioners engaging in abusive conduct, personal charges, or verbal or written attacks upon the character or motives of fellow Commissioners, either publicly or privately.
  - 2. Commissioners refusing to give information that is available to other Commissioners to a particular Commissioner.

**f. ACCESS TO INFORMATION AND COMMISSION RESOURCES**

- i. Access to information
  - 1. The Chair and Secretary must provide full and timely information to Commissioners to enable them to carry out their duties. The ANC may define timely in this requirement, as long as it does not conflict with any laws that supersede those requirements. The ANC collectively shall also clarify whether requests for information or services from within the Commission are deemed appropriate.
  - 2. Commissioners who provide any information to a particular Commissioner in the performance of their civic duties must also make it available to any other Commissioner who requests it and in accordance with Commission procedures.
- ii. Use and security of confidential information
  - 1. You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
  - 2. In addition to your general obligations relating to the use of Commission information you must:
    - a. protect confidential information;
    - b. only release confidential information if you have authority to do so;
    - c. only use confidential information for the purpose it is intended to be used;
    - d. not use confidential information with the intention to cause harm or detriment to the Commission or any other person or body; and,
    - e. not disclose any information discussed during a confidential session of a Commission meeting.

#### **g. REPORTING BREACHES**

- i.** Any person may make a complaint alleging a breach of the Standards of Decorum and Conduct. Non-ANC members, for example, may make complaints.
- ii.** Any person may report suspected breaches of the Standards of Decorum and Conduct by Commissioners to the Chair of the ANC, Executive Director, Office of Advisory Neighborhood Commissions, and any other appropriate authority in writing. This communication should clearly state that it is a complaint pursuant to this Standards of Decorum and Conduct.
- iii.** Where a complainant believes that the Chair has breached the Standards of Decorum and Conduct, he or she should report the matter to the Vice-Chair of the ANC or the next highest ranking officer should the Vice-Chair also be involved, Executive Director, Office of Advisory Neighborhood Commissions, and any other appropriate authority in writing. This communication should clearly state that it is a complaint pursuant to this Standards of Decorum and Conduct.
  1. The order of Officers according the Commission's bylaws are as follows: Chairperson, Vice-Chairperson, Secretary, Treasurer, and Parliamentarian.

### **3. Section 3: PROCEDURES**

#### **a. COMPLAINT HANDLING PROCEDURES & SANCTIONS**

- i.** Complaint handling procedures
  1. If an ANC Commissioner receives a complaint they shall notify the full ANC 4C. At that time the matter shall be placed on the agenda for the next Executive Meeting of ANC 4C. Commissioners may call for an earlier special Executive Meeting if allowed in the 4C Bylaws.
  2. Sanctions for Commissioners depend on the severity, scale and importance of the breach.
  3. Sanctions may include, though are not limited to, one or more of the following:
    - a.** Censure;
    - b.** asking the person to apologize to any person adversely affected by the breach;
    - c.** removing or restricting the person from Commission committee assignments;
    - d.** removing the person from an elected Officer role as defined by the ANC's bylaws or appointed roles within the ANC. The ANC does not have the legal authority to remove an ANC Commissioner from their duly elected role as Commissioner;

- e. prohibiting the person from representing the full ANC in any elected officer or appointed capacity.

ii. Procedural fairness

1. Should an investigation be deemed necessary by the full ANC it shall;
  - a. provide the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation;
  - b. provide the subject of the complaint as well as the party submitting the complaint with an opportunity to place before the investigation any information the person considers relevant to the investigation;
  - c. hear all parties to a matter and consider submissions before deciding the substance of the complaint;
  - d. make reasonable investigations before making any decisions;
  - e. act fairly and without prejudice or bias;
  - f. ensure that no person decides a case in which they have a conflict of interests;
  - g. conduct the investigation without undue delay.
2. Where the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the ANC should proceed to finalize the matter.

iii. Deliberations and Disciplinary Actions

1. Before making any final decisions, the ANC shall have regard to the following:
  - a. the seriousness of the breach;
  - b. whether the breach can be easily remedied or rectified;
  - c. whether the subject has remedied or rectified their conduct;
  - d. whether the subject has expressed contrition;
  - e. whether the breach is technical or trivial only;
  - f. whether the breach represents repeated conduct;
  - g. the degree of reckless intention or negligence of the subject;
  - h. the extent to which the breach has affected other parties or the Commission as a whole;
  - i. the harm or potential harm to the reputation of the Commission arising from the conduct; and,
  - j. what action or remedy would be in the public interest.

2. Where the ANC determines that the conduct comprises a breach of this Standards of Decorum and Conduct it may take any of the following actions:
  - a. censure the Commissioner for misbehavior;
  - b. ask the Commissioner to apologize to any person adversely affected by the breach;
  - c. remove or restrict the Commissioner from ANC committee assignments;
  - d. remove the Commissioner from an elected Offices as outlined by the ANC Bylaws or appointed roles within the ANC, though they may not remove the Commissioner from their elected role as a Commissioner;
  - e. prohibit the Commissioner from representing the full ANC in any capacity.
  
3. Unless otherwise stated elsewhere any action taken to address a breach of this document by the ANC shall be by a majority vote, at a public meeting, with quorum.

**Article 3.0 Scope**

Any portions of this document that conflicts with any laws or other policy that would supersede it shall be considered null and void. The remaining portions of this document shall remain policy of the ANC.