

Code of Conduct Policy for Would-be Members and Members

1.0 Statement & Purpose

The purpose of this policy is to affirm in a comprehensive statement the required standards of conduct expected of the Executive, members and would-be members of Maynooth Community Council.

All members and would-be members must show integrity and professionalism when interacting at meetings and conducting the business of Maynooth Community Council. This policy sets out the core values and underlying principles which underpin all related works and activities. MCC expects all members and would-be members to use legitimate practice in all its operations and in promoting the organisation on issues before Government Authorities and Government Agencies. All members and would-be members of Maynooth Community Council must protect our organisation's legality and must act responsibly when dealing with our organisation's finances, partnerships and public image.

The MCC Constitution states, *inter alia*,

The general conduct and behaviour of MCC members and would-be members in carrying out their activities is an important yardstick by which the honesty, integrity, impartiality and performance of MCC is judged and public trust maintained. It is important therefore that these core values underpin the many activities of the Council.

Members and would-be members should abide by the Code of Conduct and must maintain the highest standards of integrity by -

- a) Avoiding conflicts of interest and never seeking to use improper influence;
- b) Acting in a way which enhances public trust and confidence
- c) Not using their position or MCC resources for personal gain;
- d) Ensuring that their conduct does not bring and has not brought the integrity of their position or that of MCC into disrepute.
- e) Making impartial decisions based on examination of the facts, merits and law relating to each case and not taking account of their personal considerations.
- f) Treating their colleagues and others with courtesy and respect;
- g) Dealing with enquiries from the public courteously, fairly and promptly
- h) Promoting equality and avoiding bias in their dealings

2.0 Scope

This policy applies to all would-be members, probationary members and members.

3.0 Aim

The Code of Conduct Policy of Maynooth Community Council provides a set of principles that support a culture of strong Corporate Governance. It outlines the organisations expectation regarding the behaviour of members or would-be members towards one another and those we interact with in the course of our business.

The trio of principles, values and standards of conduct are of equal importance and should be considered in association to each other.

The structure of MCC's Code of Conduct is based on five principles:

- Respect and dignity for all members.
- Professional responsibility and accountability.
- Quality of practice when interacting with others.
- Collaboration and effective, partnership with others.
- Trust and confidentiality.

Professional responsibility and appropriate standards of behaviour are underpinned by accountability, integrity and maintaining professional boundaries.

All members and would-be members of MCC (Maynooth Community Council) are expected to demonstrate and have demonstrated high standards of behaviour.

4.0 Standards of Conduct:

1. You must act and have acted within the law and follow and have followed the rules and regulations of statutory bodies.
2. You are responsible and accountable for your decisions and actions (including inactions and omissions) both past, present and into the future.
3. You should be aware of your professional responsibility when using social media.
4. You must keep and have kept professional boundaries which sets the limits of what is acceptable behaviour. This is achieved by showing respect, dignity, courtesy and by ensuring that your standards of behaviour reflect and have reflected the core principles and values of the organisation.

In relation to Collaboration with others:

1. Members must try to develop relationships of trust with one another.
2. Honesty, integrity and trustworthiness must underpin all dealings with internal and external stakeholders.
3. Members must behave in a way that strengthens the community's trust and confidence in MCC as a community organisation.
4. Professional relationships with public bodies are based on mutual respect and trust.
5. The Executive members share responsibility to work together to achieve the best possible outcomes for Maynooth Community.
6. The Executive recognises that transparent, effective and consistent documentation is integral to MCC practice and reflects best practice standards and compliance with public and statutory requirements.
7. Upholding the values of professional behaviour and accepted standards of practice requires members to act with integrity at all times when conducting all work associated with the achievement of the organisations objectives.
8. We promote freedom of expression and open communication but expect all members to follow our Code of Conduct. Members should avoid offending or disruptive behaviour which creates dislocation and leads to negative impacts for the organisation.

5.0 Procedures to deal with allegations of breach of the Code of Conduct

It is the policy of the Council to create an environment conducive to the delivery of its mission where integrity of the individual is respected and upheld. To this end the Council has developed a disciplinary code to secure this objective

5.1 Norms of Behaviour

All members, would-be members and probationary members are expected to behave responsibly at all times, to treat others with dignity and respect, to observe and abide by the Council's Constitution, Policies, Regulations and Rules and not to engage in any illegal, malicious or other activity which might bring the good name of the Council into disrepute.

5.2 *Minor Breaches of The Code of Conduct*

Minor Breaches are those acts or omissions which adversely disrupt the orderly and responsible conduct or activities of any Council activity.

The following is a non-exhaustive list of examples of such offences:

- Creating excessive and unnecessary noise or other nuisance which disrupt the normal functioning of Council activities.
- General conduct which in the view of the Executive may disrupt Council activities.
- Obstruction or harassment of any member of the Council in the performance of their work or activities.

5.3 *Major Breaches of The Code of Conduct*

Major breaches of The Code of Conduct are those acts or omissions which adversely affect the rights of any member which breach Council's Constitution, Policies, Regulations and Rules.

The following is a non-exhaustive list of examples of such offences.

- Intentionally, recklessly or negligently indulging in any activity which may cause physical harm to any person at a Council activity or at a Council sponsored activity whatsoever. This includes engaging in any form of fighting or physical confrontation.
- Placing any person under mental duress or causing any person to be in fear of physical danger through verbal abuse, harassment (including repeated phone calls), sexual harassment, racial harassment, harassment on the basis of ethnicity, intimidation, threats or other conduct which threaten or endanger that person's emotional, mental or physical well-being.
- Having an undeclared conflict of interest
- Abuse of alcohol or acting under the influence of alcohol.
- Theft or wilful damage to any Council property or to the property of any person while at Council activities.
- Being contemptuous or disorderly at any meeting of Council or meeting duly organised by Council
- Multiple Minor Breaches over any period.
- Use of posters, pamphlets, newsletters, ezines, electronic media, social media, graffiti etc, which result in harassment or intimidation or defamation of any person or group or the promotion of any activity which in the opinion of the Executive is not compatible with the ethos of the Council.
- Illegal, reckless, deliberate misuse of Council equipment or property.
- Illegal, reckless, deliberate misuse of Council equipment including computing facilities.
- Breaches of Health and Safety Regulations
- Any activity which in the reasonable view of the Executive is likely to impugn the reputation and good name of the Council, its members, subcommittees, affiliates or reduce their standing in the community or be responsible for negative outcomes to members.

NOTE 1: The examples of Minor Breaches and Major Breaches do not purport to be exhaustive or exclusive in any way.

NOTE 2: Where a complaint or allegation is found to be frivolous the Executive may impose a sanction on the person responsible.

5.4 *Allegations of Minor Breaches, Board of Enquiry, Appeal*

Any written allegations from whatever sources must be considered by a Board of Enquiry comprising three members of the Executive in the first instance. Anonymous allegations or complaints will not be entertained.

Within 5 working days of the receipt of the allegation the Board of Enquiry will arrange to separately meet with the person(s) alleging the Minor Breach(es) and the person against whom the allegation is made.

The Board of Enquiry will

- Consider all submissions related to the alleged offence.
- Review the evidence
- Allow the person against whom the allegation is made to challenge the evidence.
- Determine in writing whether a Minor Breach has occurred
- Impose a suitable sanction (examples include reprimand, issuing of an apology.)
- Refer the matter to the Code of Conduct Subcommittee of Council if the three Executive members think a Major Breach may have occurred

Any appeals from a finding or direction of the Board of Enquiry shall be made in writing by the person against whom the allegation was made to the full Executive within 5 working days of the notification of such finding or direction.

The full Executive will:

- Consider the report from the three Executive members
- Consider all documentation relating to the issue
- Consider any new evidence
- Consider any mitigating circumstances
- Meet with the person against whom the allegation is made and seek further information, if appropriate
- Meet with instigator of the allegation, if appropriate
- May call witnesses.

The full Executive will make a decision based on the information available. The decision may be to:

- Uphold the previous decision of the Board of Enquiry
- Amend that decision
- Dismiss that decision

5.6 *Allegations of Major Breaches*

The purpose of a Disciplinary Committee is to determine whether a Major Breach of an offence against the Constitution, Policy, Regulations and Rules has been committed and to determine the appropriate sanction. That determination will be based on the balance of probabilities.

5.7 *Disciplinary Committee considering an alleged Major Breach*

A Major Breach will be considered by the Disciplinary Committee where

- A. A Board of Enquiry is of the firm view, without making any imputation as to guilt, that the allegation against the person by reason of its gravity or nature, or level of recidivism in relation to Minor Breaches, would be more suitably considered a Major Breach, or
- B. Substantial written allegations of a Major Breach are made to any of the Executive.

The Chairperson or his/her nominee will, within 5 working days of a written request based on (a) or (b) above, create or cause to be initiated a Disciplinary Committee to address the issue of the alleged Major Breach. Where a person against whom an allegation is made does not formally acknowledge a letter indicating that a Disciplinary Committee is in place to address the allegations of a Major Breach within 5 days of its issue, the Chairperson or his/her nominee will make one follow-up enquiry.

5.7.1 Disciplinary Committee Composition

The Disciplinary Committee will comprise:

- The Chairperson or his/her nominee, and
- One other member of the Executive who has not been involved in the Board of Enquiry on the matter.
- Two other ordinary members of Maynooth Community Council

The Chairperson or his/her nominee will act as chairperson of the Disciplinary Committee. The Chairperson or his/her nominee may direct a member to act as recording secretary.

Members may designate one or more alternates so that in the event of their unforeseen or unavoidable non-availability at any session, the procedures of the Disciplinary Committee may take place as scheduled.

5.7.2 Disciplinary Committee Procedures (1)

The chairperson will provide to the person against whom allegation are made copies of all the written allegations 5 working days prior to the commencement of the Disciplinary Committees initial meeting. The Chairperson may invite a written response from the person against whom allegations are made within a specified number of days. Any written responses will be circulated to the complainants for comment as appropriate. The chairperson will also provide the person against whom the allegations are made with a copy of the procedures that the Board will follow. The person against whom allegations are made may be accompanied by a representative.

It shall be the function of the Disciplinary Committee to:

- Consider all of the relevant evidence submitted regarding the alleged offence(s)
- To consider any submissions made by the person against whom the allegations are made and/or by a person accompanying that person.
- To determine whether an offence has been committed and to impose a sanction if an offence has been committed.

5.7.3 Disciplinary Committee Procedures (2)

Meetings of the Disciplinary Committee will proceed as follows:

1. The chairperson shall cause to be set out for the members
 - a. The full details of the alleged offence,
 - b. All written statements relating to the alleged offence,
 - c. The names of the witnesses to be called.
2. An initial meeting of the Disciplinary Committee will be summoned at which the person against whom the allegations are made and his/her chosen representative will be requested to attend. In the event of the non-attendance of the Disciplinary Committee may decide to make a determination on the allegations. The Disciplinary Committee may also require a legal representative of the Council to advise should issues of law arise.
3. The quorum for a meeting of the Disciplinary Committee will be all of the Members or their valid alternates as appropriate.

4. A person, against whom a complaint is made, may be permitted, by request to the chairperson, to question any complainant for the purposes of challenging, clarifying or amplifying any evidence being offered by that person. Such clarifications may either be given at a further meeting of the Disciplinary Committee or by written response from the complainant(s).
5. The chairperson may rule out of order any behaviour which s/he deems to constitute the badgering of any witnesses whose attendance is directed by the Disciplinary Committee, or the introduction of any matter which s/he deems not to be directly relevant to the business of the particular investigation.
6. The Members will not consider any matter they deem to be extraneous to the specific complaint(s) at the meeting of the Disciplinary Committee.
7. The Disciplinary Committee may invite comments or clarifications on the complaints and responses from both parties to the allegation/complaints , as it considers necessary.
8. Where an adjournment of the meeting is sought, this may be granted at the sole discretion of the chairperson.
9. The Members of the Disciplinary Committee will consider the evidence available and arrive at a determination and will make their determination in private after the respective presentations by the person against whom the allegations were made and any witnesses at the meeting of the Disciplinary Committee.
10. The Disciplinary Committee will take careful note of the evidence and any submissions made.
11. Having heard the evidence and the submissions, and taking careful note thereof, the Disciplinary Committee will then advise the person against whom the allegations were made of the possible sanctions which it may, in its consideration of the issues and after due deliberation, decide to impose.
12. The Disciplinary Committee may reserve its decision. It will undertake to furnish this decision within a specified number of days.
13. When a decision is delivered it will be circulated to all parties as expeditiously as possible.

5.7.4 Witnesses

Members may summand as a witness any person who, in the belief of the Members, can provide relevant evidence or testimony.

A person, against whom the allegation is made, shall be permitted to call witnesses, in his/her defence.

A person, against whom the allegation is made, shall be permitted to be accompanied by another person during questioning.

The determination of the Members shall not be compromised by the refusal or inability of any witness to attend.

5.7.5 Decisions

The Members of the Disciplinary Committee may decide that:

- There is no case to answer and that no further action is taken.
- There is a case to answer and consequently may further decides to impose a sanction. Such a sanction might include reprimand, warning, probation, short term, longer term or permanent expulsion from the Council, restricted access to Council facilities, or any combination of the above.
- To refer any complaint which relates to commission of a criminal offence to the relevant authorities?

5.7.6 Appeals

Appeals, clearly stating the reasons for the appeal, are to be made in writing to the chairperson of the Executive with copy to the Secretary.

Only appeals which are received within 10 working days of the written notification of the decision of the Disciplinary Committee and which are based on new evidence or mitigating circumstances, not already taken into account will be considered. The chairperson of the Executive will convene a meeting of the full Executive to consider such appeals.

In the case where an appeal in full accordance with the procedure has been lodged in time, the chairperson of the Disciplinary Committee may, at his/her absolute discretion vary (or defer) the implementation of the sanction imposed by the Disciplinary Committee pending the outcome of the appeal.

The full Executive will issue its determination on the appeal within 10 working days of receipt of the written appeal.

If, in the opinion of any member of the Executive, a proposed sanction is excessively lenient and where the proper conduct of the Council's affairs may be compromised such a member of the Executive may initiate any appeal procedure outlined in this procedure.

5.7.7 Unforeseen Delays

At any stage in the procedure, including appeals, a person against whom an allegation is made may be unable to attend on the appointed day. The relevant Board of enquiry or Disciplinary Committee will give due weight to the reasons adduced for non-attendance before deciding whether or not to continue with the relevant stage of the procedures. Except in exceptional circumstances any delay due to inability to attend should not exceed 10 days.

5.7.8 Gender Balance

In so far as is practicable the Council will endeavour to ensure that there is both female and male representation on all Boards.

Nothing in this procedure shall be deemed to prejudice any existing or further rights of any party under law.