



**Building Brighter Futures Together at the  
Ottawa-Carleton District School Board**



## **NOTICE OF MEETING**

### **Ad Hoc Code of Conduct Committee**

**Tuesday, 17 September 2019  
Trustees' Committee Room  
3:30 pm**

#### **COMMITTEE MEMBERS**

Lynn Scott  
Trustee Zone 1

Christine Boothby  
Trustee, Zone 2

Donna Blackburn  
Trustee, Zone 3

Keith Penny  
Trustee, Zone 8

Sandra Schwarz  
Trustee, Zone 12

#### **STAFF:**

Michèle Giroux, Executive Officer, Corporate Services

#### **DISTRIBUTION:**

All Board Members  
Senior Administration

For further information on this agenda, please contact:  
Nicole Guthrie, Senior Coordinator, Board Services at (613) 596-8211 ext. 8643 or  
[nicole.guthrie@ocdsb.ca](mailto:nicole.guthrie@ocdsb.ca)

## **ABOUT THE AD HOC CODE OF CONDUCT COMMITTEE:**

The mandate of the Ad Hoc Code of Conduct Committee shall be to:

- review Policy P.073.GOV Board Member Code of Conduct;
- consider revisions to P.073.GOV, including incorporating revisions from the updated OPSBA code of conduct template;
- consider the role of an integrity commissioner with respect to the code of conduct; and
- provide comments and recommendations to the Board no later than 26 April 2019.

The Ad Hoc Committee members consist of the Chair of the Board (ex officio) and up to four trustees appointed or elected by the Board.



**Ad Hoc Code of Conduct Committee  
AGENDA**

**September 17, 2019, 3:30 pm - 5:00 pm**

**Trustees' Committee Room**

**133 Greenbank Road**

**Ottawa, Ontario**

**Pages**

1. Call to Order
2. Approval of the Agenda
3. Matters for Action:
4. Matters for Discussion:
  - 4.1 Report 19-079, Approval of Draft Policy P.141.GOV Integrity Commissioner (M. Giroux, ext.8310) 2
5. New Business -- Information and Inquiries
6. Adjournment





**AD HOC CODE OF CONDUCT COMMITTEE  
Report 19-079**

**17 SEPTEMBER 2019**

**APPROVAL OF DRAFT POLICY P.141.GOV INTEGRITY  
COMMISSIONER**

**Key Contact: Michele Giroux, Executive Officer, Corporate Services,  
ext. 8607**

**PURPOSE:**

1. To seek approval of draft Policy P.141.GOV Integrity Commissioner (Appendix A) and a Role Description of the Integrity Commissioner of the Ottawa-Carleton District School Board (Appendix B).

**CONTEXT:**

2. At its meeting of 7 May 2019, the Board approved changes to P.073.GOV Board Member Code of Conduct which incorporated the role of an Integrity Commissioner into the process. The changes are effective immediately following the establishment of the Integrity Commissioner office. To support this, the Board expanded the role of the Ad Hoc Code of Conduct Committee to include the development of a policy and a Request for Proposal (RFP).

A draft policy has been developed and is attached as Appendix A. It provides for:

- a) the roles an Integrity Commissioner may undertake;
- b) the legal authority of this office;
- c) general parameters for the selection and appointment of an Integrity Commissioner; and
- d) the reporting expectations of the office.

A role description has also been developed and appended to the draft policy (Attached as Appendix B). This position would be filled by a Request for Proposal (RFP) process.

**KEY CONSIDERATIONS:**

3. Functions of the Integrity Commissioner  
In the absence of statutory guidance with respect to structuring the role of an Integrity Commissioner, boards of education have leeway in shaping the role to match their particular needs. Similar to most school boards which have voluntarily created this role, we have elected to follow the template set out by the Toronto District School Board (TDSB) which provides for:

- advisory functions for individual members;
- advisory functions more broadly;
- investigative functions; and
- educational functions.

Based on the latest approved version of Board Policy P.073.GOV Board Member Code of Conduct, mediatory functions are added to the list above in order to reflect the role an Integrity Commissioner can play in settling complaints through the informal review process.

4. Process Considerations

The Ad Hoc Code of Conduct Committee will have an opportunity to discuss the draft policy. Once the Committee is ready to make a recommendation, the policy will be presented to the Committee of the Whole for approval. It is anticipated that the draft policy would be presented to the Board at its 22 October 2019 meeting. Should the Board approve the draft policy, an RFP would be posted by staff in November 2019 in order to start the appointment process.

Recognizing that the members of this Ad Hoc Code of Conduct Committee are best suited to oversee the selection process and recommend a candidate for approval by the rest of the Board, staff recommends that the Ad Hoc Code of Conduct Committee act as the Selection Committee. It is anticipated that an appointment to the new office could be made by 31 January 2020.

5. Interaction between the Integrity Commissioner, Board, and Director of Education

Once the appointment to this new office is made, it will be necessary to establish some standards of practice for interaction between the Integrity Commissioner, the Board, and the Director of Education. The Integrity Commissioner would report directly to the Board, but in practical terms there would need to be some clarification of the role and expectations of staff.

6. Code of Conduct - Implications

If the Board does not adopt policy P.141.GOV Integrity Commissioner, policy P.073.GOV Board Member Code of Conduct would continue but changes approved by the Board on its 07 May 2019 meeting would not be implemented.

7. Conflict of Interest

Should the Board approve policy P.141.GOV Integrity Commissioner, policy P.025.GOV Board Member Conflict of Interest, currently scheduled for approval by Board on 01 October 2019, would require a minor policy change. The proposed change would incorporate the possibility of seeking advice from the Integrity Commissioner where Board members have questions regarding their obligations under the conflict of interest policy.

8. Reimbursing Trustees

OCDSB policies P.073.GOV Board Member Code of Conduct, P.025.GOV Board Member Conflict of Interest and P.141.GOV Integrity Commissioner, which cover the full scope of the Integrity Commissioner role, do not address payment of legal costs incurred by a Board member who is a respondent to a complaint initiated by the Integrity Commissioner.

Toronto and Durham District School Boards' complaint protocols provide for reimbursement of actual and reasonable expenses up to a maximum of \$5,000 and of \$20,000 in the case of judicial review applications and where the member's interests are at stake. Such coverage is contingent on a report to the Board from legal counsel and takes place only when:

- the Integrity Commissioner concludes that there has been no contravention of the code of conduct and this conclusion is not overturned on judicial review; or
- where the Board of Trustees determines that no action shall be taken against the member concerned.

## **RESOURCE IMPLICATIONS:**

9. The Integrity Commissioner would receive an annual retainer of \$25,000 payable monthly for up to 20 hours of work per month. Hours exceeding the 20 hours per month would be remunerated at \$200/hour. There would also be some costs associated with routine administrative expenses to support this role.

Funds to cover these costs were included in the 2019-2020 budget.

## **COMMUNICATION/CONSULTATION ISSUES:**

10. Recognizing that the Board has directed the establishment of the Integrity Commissioner office, no consultation with the public has been undertaken on this draft policy.

## **STRATEGIC LINKS:**

11. The initiative to appoint an Integrity Commissioner, without a statutory obligation, signals the Board's commitment to ensuring its operations and decision-making are carried out to the highest possible ethical standards in alignment with the Culture of Social Responsibility pillar of the 2019-2023 Strategic Plan.

## **RECOMMENDATION:**

- A. THAT draft policy P.141.GOV Integrity Commissioner, attached as Appendix A to Report 19-079, be approved;
- B. THAT the Role Description of the Integrity Commissioner of the Ottawa-Carleton District School Board, attached as Appendix B to Report 19-079, be approved; and
- C. THAT the Ad Hoc Code of Conduct Committee act as the Selection Committee for an Integrity Commissioner in accordance with section 3.10 of draft policy P.141.GOV.

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Michele Giroux  
Executive Officer, Corporate Services

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Camille Williams-Taylor  
Director of Education

## **APPENDICES**

Appendix A - P.141.GOV Integrity Commissioner

Appendix B - Role Description of the Integrity Commissioner of the Ottawa-Carleton  
District School Board



**POLICY P.141.GOV****TITLE: INTEGRITY COMMISSIONER****Date issued: XX October 2019****Last revised:****Authorization: Board: XX Month 2019****1.0 OBJECTIVE**

To establish the office of the Integrity Commissioner to ensure that Board policies and relevant legislation governing the ethical behaviour of Board members are objectively applied and to maintain transparency, accountability and public confidence in the governance of the OCDSB.

**2.0 DEFINITIONS**

In this policy,

- 2.1 **Board** means the Board of Trustees of the Ottawa-Carleton District School Board.
- 2.2 **Board Member** means a Trustee of the Ottawa-Carleton District School Board.
- 2.3 **Complaint** means a written allegation filed with the Integrity Commissioner that a Board member has breached Board Policy P.073.GOV Board Member Code of Conduct.
- 2.4 **Staff Members** means employees of the Ottawa-Carleton District School Board.

**3.0 POLICY**Role of the Integrity Commissioner

- 3.1 The Integrity Commissioner provides advisory support to individual Board members and to the Board more broadly, mediation and investigation in Code of Conduct matters, and education support for the Board and the public in support of local accountability and transparency.
- 3.2 The Integrity Commissioner provides confidential written and oral advice to individual Board members in respect to situations they face in the exercise of their official duties, applicable to Board policies and related legislation governing the ethical behaviour of Board members.
- 3.3 Upon request by the Chair of the Board, the Integrity Commissioner provides opinions and reports to the Board on general issues of ethics and integrity that may intersect with the application of Board Policy P.073.GOV Board Member Code of Conduct.

- 3.4 The Integrity Commissioner may mediate in any informal review of a complaint, made pursuant to Board Policy P.073.GOV Board Member Code of Conduct, only with the consent of the complainant and the members whose conduct is under concern.
- 3.5 Board members who have complaints about alleged breaches of Board Policy P.073.GOV Board Member Code of Conduct shall forward the complaints to the Integrity Commissioner pursuant to this policy. When carrying out a formal complaint investigation, the Commissioner can summon evidence and examine under oath.
- 3.6 The Integrity Commissioner provides educational information to the public on Board policies and relevant legislation respecting the conduct of Board members. The Commissioner also provides educational programs to Board members which include Trustee training sessions, one-on-one meetings and annual reporting.

#### Jurisdiction of the Integrity Commissioner

- 3.7 The Integrity Commissioner shall be appointed by the Board and carry out their duties independently.
- 3.8 Whereas the Integrity Commissioner performs their advisory and educational duties with respect to any Board policy or legislation regarding the ethical behaviour of Board members, their mediatory and investigative functions are confined to Board Policy P.073.GOV Board Member Code of Conduct.
- 3.9 The Integrity Commissioner does not have jurisdiction to investigate or make inquiries into complaints that are related to:
- a) the *Criminal Code*;
  - b) the *Municipal Conflict of Interest Act*;
  - c) the *Municipal Elections Act*;
  - d) the *Municipal Freedom of Information and Protection of Privacy Act*; or
  - e) staff members.

#### Selection and Appointment of the Integrity Commissioner

- 3.10 The Board shall appoint a selection committee to oversee the selection process of an Integrity Commissioner and recommend a candidate for the Integrity Commissioner position for approval by the Board.
- 3.11 The Board of Trustees shall appoint an Integrity Commissioner for a five-year non-renewable term.
- 3.12 The appointment, removal, or termination for cause of the Integrity Commissioner shall be made only by approval of two-thirds of all members present and voting, at a regular or special meeting of the Board, provided that at least two weeks' notice in writing has been given to all Board members.

### Accountability

- 3.13 The Integrity Commissioner is accountable to and reports to the Board of Trustees.
- 3.14 The Integrity Commissioner shall annually report to the Board on:
- a) the number and nature of complaints handled by their office;
  - b) the number and nature of complaints received that were outside the jurisdiction of their office; and
  - c) their educational and advisory activities in the preceding year.
- 3.15 All annual reports from the Integrity Commissioner to the Board will be made available to the public.
- 3.16 The Integrity Commissioner shall redact any confidential information from their public reports that could identify a person.
- 3.17 The Integrity Commissioner may make interim reports to the Board where necessary and as required.

## **4.0 APPENDICES**

Appendix A: Role Description of the Integrity Commissioner of the Ottawa-Carleton District School Board

## **5.0 REFERENCE DOCUMENTS**

*Education Act, 1990*

*Ontario Regulation 246/18*

*Municipal Election Act, 2017*

*Municipal Conflict of Interest Act, 2017*

*Criminal Code, 1985*

*Municipal Freedom of Information and Protection of Privacy Act, 1990*

*Occupational Health and Safety Act, 1990*

*Ombudsman Act, 1990*

Board Policy P.025.GOV Board Member Conflict of Interest

Board Policy P.073.GOV Board Members Code of Conduct

Board Procedure PR.625.HR: Corporate Code of Conduct for Business Relationships

## **Appendix A: Role Description of the Integrity Commissioner of the Ottawa-Carleton District School Board**

As an Integrity Commissioner, you will independently carry out the assignments below having regard for the ethical responsibilities of the elected members of the Board. You will report directly to the Board of Trustees.

**Position Term:** 5 years non-renewable.

### **Eligibility:**

Employees of the Ottawa-Carleton District School Boards are not eligible to apply for this position.

### **Qualifications:**

- Undergraduate degree
- A minimum of ten (10) years of senior level management, legal and/or quasi-judicial experience

### **Roles and Responsibilities**

As the Integrity Commissioner of the Ottawa-Carleton District School Board you will:

1. Provide advice to the Board Trustees about the application of P.073.GOV Board Members Code of Conduct, P.025.GOV Board Member Conflict of Interest and the interpretation of related legislation.
2. Provide general information to Trustees about their duties and obligations under the following:
  - *Education Act*
  - *Municipal Elections Act*
  - *Municipal Conflict of Interest Act*
  - *Ontario Human Rights Code*
  - *Criminal Code of Canada*.
  - *Municipal Freedom of Information and Protection of Privacy Act*
  - *Occupational Health and Safety Act*
  - *Ombudsman Act*
3. Review and make inquiries related to complaints made about Trustees in relation to P.073.GOV Board Members Code of Conduct.
4. Review all documents, including, but not limited to books, accounts, financial records, electronic records and communication, files, papers, things or property belonging to or used by the Board of Trustees, if you believe that are necessary for an investigation of a complaint made in accordance with P.073.GOV Board Members Code of Conduct.
5. Conduct interviews with anyone who may have information relevant to the investigation pertaining to an alleged breach of the Board Member Code of Conduct.

6. Provide educational programs to Board members on issues of ethics and integrity.
7. Maintain custody and control of complaint and inquiry files.
8. On completion of your term, transfer any open files related to ongoing matters to the incoming Integrity Commissioner.
9. Provide such other duties respecting ethical and conduct matters as assigned by the Board.

**As a successful Integrity Commissioner, you have:**

1. High ethical standards
2. Demonstrated impartiality, wisdom, and sound judgement, combined with the ability to inspire trust and confidence
3. The ability to provide services on a part-time, flexible and as needed basis
4. No other involvement in political campaigning/endorsements related to the Board, or other related conflict of interest
5. No other involvement or financial interest in the work undertaken by the Board
6. The ability to provide alternative dispute resolution strategies
7. Experience with managing sensitive inquiries, conducting investigations, and making timely and appropriate recommendations
8. Excellent oral and written communication skills
9. Familiarity with investigatory procedures, duty of fairness, and the application of administrative legal principles
10. The ability to interpret and apply the provisions of various statutes, regulations, policies, and any other enabling framework
11. Practical knowledge of the education and school board systems as well as the Education Act and applicable regulations

**Selection Process:**

The selection process for the Integrity Commissioner shall be overseen by a selection committee appointed by the Board and chaired by the Chair of the Board, or designate. Appointment of the Integrity Commissioner shall be recommended to the Board of Trustees by the selection committee, who will appoint an Integrity Commissioner by a vote of two-thirds of the elected members of the Board.

**Remuneration:**

The successful Integrity Commissioner will receive an annual retainer of \$25,000 payable monthly for up to 20 hours of work per month. Hours exceeding the 20 hours per month are remunerated at \$200/hour.