



AD HOC CODE OF CONDUCT COMMITTEE

**March 7, 2019, 3:00 pm
Trustees' Committee Room
133 Greenbank Road
Ottawa, Ontario**

Trustee Members: Donna Blackburn, Christine Boothby, Keith Penny, Sandra Schwartz, Lynn Scott
Staff: Camille Williams-Taylor, Michele Giroux, Katrine Mallan, Sue Baker

1. Call to Order

Manager Mallan called the meeting to order at 3:07 p.m. She acknowledged that the meeting is taking place on unceded Algonquin Territory and thanked the Algonquin Nations for hosting the meeting on their land.

2. Election of Chair

Manager Mallan called for nominations for the position of Chair of the Committee. Trustee Blackburn nominated herself.

Moved by Trustee Scott,

THAT Trustee Blackburn be declared Chair of the Ad Hoc Code of Conduct Committee.

Carried

Trustee Blackburn assumed the Chair.

3. Approval of the Agenda

Moved by Trustee Boothby,

THAT the agenda be approved.

Carried

4. Matters for Action/Discussion:

4.1 Mandate of the Ad Hoc Code of Conduct Committee

Trustee Scott noted that the primary purpose of the committee is to review the policy and make recommendations for any revisions, and to consider

the role of an integrity commissioner. Trustee Scott suggested that the committee begin with the role of an integrity commission as it would inform the rest of the policy review.

Manager Mallan provided a handout comparing the roles of integrity commissioner at the Toronto, York, Durham, and Peel District School Boards. She noted that the scope of duties of the integrity commissioners at these boards include advisory, investigative, education, dispute resolution and meeting governance support. The integrity commissioners were appointed for a five-year term with a \$25,000 annual retainer for 20 hours per month and \$200 per hour for additional hours.

4.2 Report 19-013 Review of Policy P.073.GOV Board Member Code of Conduct

a. Policy P.073.GOV Board Member Code of Conduct

During discussion of whether the Board should appoint an integrity commissioner, the following points were noted:

- an integrity commissioner may provide educational programs to the Board of Trustees on issues of ethics and integrity;
- the hourly cost is lower than the rates charged by outside legal counsel;
- would the integrity commissioner manage the Board's complaint resolution procedure in addition to the code of conduct policy;
- the Executive Officer currently provides meeting governance support at Board and Committee of the Whole meetings;
- the Board needs to maintain its own record of complaints, including those assigned to an integrity commissioner;
- the Board would likely incur higher costs for an integrity commissioner in the first year of operation and in the year following a municipal election;
- the Board should retain the right to interact with staff on issues;
- the integrity commissioner should recommend an appropriate sanction if a Board member is found to have breached the code of conduct; and
- the committee agreed to include a role for an integrity commission in the Board's code of conduct.

Moved by Trustee Penny,

THAT revisions to Policy P.073.GOV Board Member Code of Conduct move forward with a view to appointing an integrity commissioner.

Carried

It was agreed that the committee would bring this recommendation to the next Board meeting prior to completing its review of the policy. In the meantime, the committee would continue to review the policy and include an integrity commissioner in its recommendations for revisions.

In response to a suggestion that the committee consider partnering with a municipality or coterminous school board when issuing a request for proposals, the committee agreed that they would take the suggestion under advisement.

Referring to Report 19-013 Review of Policy P.073.GOV Board Member Code of Conduct, the committee compared the OPSBA template revisions with the relevant sections in the policy and the following points were noted:

OPSBA Section 43/Policy Section 4.20 Refusal to Conduct a Formal Inquiry

- The OPSBA template does not include a role for an integrity commissioner in place of the Chair and Vice-Chair;
- Is a legal opinion required to determine whether the legislation permits an integrity commissioner to assume the responsibility of the Chair and Vice-Chair to refuse to conduct a formal inquiry;
- The OPSBA template suggests that the Chair and Vice-Chair prepare a report with their recommendation for approval by the Board;
- To date, informal complaints have been resolved through discussions with the parties involved, including the Chair and/or Vice-Chair. Committee members noted that they would like to keep this option available without the involvement of an integrity commissioner;
- Sometimes, a formal written complaint is received after a series of other informal complaints have not resolved an issue;
- Board members are expected to raise their concerns about another trustee's behaviour with that trustee before making a complaint under the code of conduct policy;
- All complaints should be treated a certain way until it is determined, by use of an established threshold, whether it should be resolved formally or informally;
- The involvement of an integrity commissioner in resolving a complaint keeps politics out and ensures neutrality;
- The Board should review the decisions of an integrity commissioner on an annual basis to determine if the Board is in

agreement with the directions taken by the integrity commissioner;

- The legal authority for making decisions is vested in the Board. The integrity commission makes recommendations to the Board;
- Should the trustee making the complaint have a choice in whether it proceeds directly to a formal inquiry; and
- The policy should allow for trustees to resolve their conflicts without involving the integrity commissioner.

OPSBA Section 52/Policy Section 4.24a) Adding a Timeframe for Completion of a Formal Inquiry

- The committee agreed to add a time provision of 90 calendar days, with extensions, if required.

OPSBA Section 54/Policy Section 4.25 Providing Draft Report to Parties to Confirm Finding of Fact

- OPSBA recommends removing this section in its entirety;
- Retaining this section could extend the timelines could provide another opportunity to "negotiate" the facts;
- Providing an opportunity for the trustees involved in the complaint could be considered a "due diligence" issue; and
- Staff agreed to contact OPSBA to determine the reasons for their recommendation to remove this section.

OPSBA Section 55/Policy Section 4.26 Adding a Recommendation to the Final Report

- It would not be appropriate to provide the final draft report, including a recommendation, to the trustees involved for their review prior to submitting it to the Board.

Other Revisions

Policy Section 3.31 Chair is the Spokesperson

- Committee members noted that they speak freely at school council and zone meetings and queried whether the section should be revised to provide a more liberal interpretation;
- It is appropriate for the Chair to the media on behalf of the Board; however, there may be times when individuals speak to media with the knowledge and consent of the Chair;

- Trustees should be able to express their opinions provided they do not give the impression that they are speaking on behalf of the Board or undermining decisions taken by the Board (see sections 3.15 and 3.29);

Policy Section 4.9 Raising Concerns with Another Board Member

- Add "when possible" or "as appropriate"; and
- This section should not fall under the Role of the Chair/Presiding Officer.

Policy Section 4.12 Timelines for Reporting a Breach and Initiating a Review of the Alleged Breach

- six months is too long wait before initiating a review of an alleged breach;
- three months is more appropriate.

5. New Business -- Information and Inquiries

The next meeting is tentatively scheduled for 3:00 p.m. on Monday, 18 March 2019. The date and time will be confirmed as soon as possible.

6. Adjournment

The meeting adjourned at 4:45 p.m.

Donna Blackburn, Chair, Ad Hoc Code of Conduct Committee