



AD HOC CODE OF CONDUCT COMMITTEE

**April 1, 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 (Director of Education), Michele Giroux, Katrine Mallan (Manager of Board Services), Sue Baker (Senior Coordinator, Board Services)
Other Trustees: Engy Masieh (Policy Analyst)

1. Call to Order

Trustee Blackburn called the meeting to order at 3:12 p.m.

2. Approval of the Agenda

Moved by Trustee Scott,

THAT the agenda be approved.

Carried

3. Receipt of Report, Ad Hoc Code of Conduct Committee, 7 March 2019

Moved by Trustee Penny,

THAT the report of the Ad Hoc Code of Conduct Committee dated 7 March 2019 be approved.

Carried

4. Matters for Action/Discussion:

4.1 Review of Revised Draft Policy P.073.GOV Board Member Code of Conduct

Executive Officer Giroux advised that staff has made a number of changes to the policy based on comments made at the last meeting of the ad hoc committee on 7 March 2019. The proposed changes were reviewed with legal counsel who provided some analysis and suggestions.

Trustee Scott noted that a majority of trustees indicated that they were in favour of moving forward with an integrity commissioner, while some

trustees noted that they would like to have further discussion at a Committee of the Whole meeting.

During discussion of the revised draft policy, the following areas were noted for further revision or clarification:

- It was suggested that Sections 3.6 and 3.9 (Integrity and Dignity of Office) are vague and include statements from the trustee oath. (Note: These statements come from the OPSBA template.) Sections 3.1 to 3.32 describe the responsibilities and behaviours that are expected of trustees. They are referred to when a breach of the code has been identified;
- Sections 3.15 to 3.22 (Civil Behaviour) could include language that makes a distinction between "fierce debate" and "crossing the line" of civil behaviour. It was noted that trustees differ on what constitutes civil behaviour. The governance policy (P.12.GOV) talks about a culture of collaboration and an open expression of diverse and divergent viewpoints. It was suggested that the language in the governance policy could be used.
- Section 3.22 (Civil Behaviour), Section 4.7 and 4.8 (Identifying a Breach of the Code) are unclear about whether a Board member must raise their concerns about another Board member's egregious behaviour directly with that Board member or if they have the option of filing a complaint with the integrity commissioner. Should there be a distinction between "egregious behaviour" and "a breach of the Code of Conduct"?
- Section 3.29 (Upholding Decisions) should say "uphold the Board decision" rather than "implementation of a board resolution".
- The last sentence in Section 4.2 (Role of the Chair/Presiding Officer) is repeated in Section 4.3.
- The language could be clarified to bridge the gap between an attempt by the parties to resolve their differences (Section 3.22) and making a complaint to the integrity commissioner (Section 4.8). It was noted that it could be very expensive to bring all complaints to an integrity commissioner.
- Section 4.14 (Review of Complaint) provides the authority for the integrity commissioner to determine whether a complaint is handled through the informal or formal review process, depending on the seriousness of the alleged breach and/or the willingness of the complainant and respondent to agree on a remedy.
- Section 4.24 (Suspension of Formal Review) indicates that the final report of the integrity commission shall contain an outline of the finding of facts, and a recommendation or opinion as to whether the Code of Conduct has been breached. Staff agreed to speak with legal counsel to determine whether this report could also recommend an appropriate sanction depending on the nature of the breach and

whether it concerned non-compliance with legislation or civil behaviour.

- There appears to be a disconnect between Sections 4.24 and 4.26
- Section 4.33 (Sanctions) lists the sanctions that the Board may impose if a Board member should breach the Code of Conduct. Staff agreed to look into whether lesser sanctions, such as a letter of apology, could be included in this list. It was noted that Section 4.17 speaks to remedial measures arising from an informal review. It was suggested that a part d) be added to 4.33 to refer to the sanctions listed in 4.17.
- Section 4.37 to 4.44 (Appeal) is unclear whether the sanction would be imposed before, during or after the period during which a Board member could appeal the sanction.
- Section 4.42 (Appeal) refers to "Trustee" and "Board member". The terminology should be consistent throughout the policy.

It was agreed that another meeting of the ad hoc committee would be required before the revised policy is presented to the Committee of the Whole. (Note: the next meeting will take place on 23 April 2019 and the revised policy will be presented to Committee of the Whole on 7 May 2019.)

5. Adjournment

The meeting adjourned at 4:30 p.m.

Donna Blackburn, Chair, Ad Hoc Code of Conduct Committee