

**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,
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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.

Michele Giroux
Executive Officer, Corporate Services

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