
POLICY P.141.GOV

TITLE: INTEGRITY COMMISSIONER

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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.