

**COMMITTEE OF THE WHOLE**  
**Report 19-115**

**19 NOVEMBER 2019**

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

**Key Contact: Michele Giroux, Executive Officer, Corporate Services,  
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**PURPOSE:**

1. To seek approval of the draft Policy P.141.GOV Integrity Commissioner (Appendix A) to establish the OCDSB new office of the Integrity Commissioner.

**CONTEXT:**

2. At its meeting of 07 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 come into effect if the Board appoints an Integrity Commissioner. To support this work, the Board expanded the role of the Ad Hoc Code of Conduct Committee to include the development of a new policy.

The Ad Hoc Committee met on 17 September 2019 to discuss the new draft policy and on 29 October 2019 to discuss the revised version in response to questions raised at the first meeting taking into consideration advice from legal counsel. The Committee approved the draft policy (Appendix A) to be presented to the Board for approval. Should the Board approve the draft policy, the recruitment would be done through a Request for Proposal (RFP) process in accordance with the procurement policies of the District. The appointment process would be overseen by a selection committee of trustees appointed by the Board and chaired by the Chair of the Board or designate.

**KEY CONSIDERATIONS:**

1. Functions of the Integrity Commissioner  
There is no legislative requirement for school boards to appoint an Integrity Commissioner. In the absence of statutory guidance with respect to structuring the role of an Integrity Commissioner, school boards have leeway in shaping the role to match their particular needs. Similar to most school boards which have voluntarily created this role, the draft policy provides for:
  - advisory functions for individual members and the Board;
  - investigative functions;

- educational functions; and
- mediatory functions related to P.073.GOV Board Member Code of Conduct, where the Commissioner can play a role in settling complaints through the informal review process.

Throughout the Committee discussions, concerns were raised about the scope of authority of this office and the need to ensure sufficient controls were in place, such that an individual in the position could not continuously expand the mandate of the office which could significantly increase the costs. To address these concerns, the language in the policy was adjusted to ensure controls on the scope of authority.

There are additional accountability and control mechanisms established through the annual reporting requirement of the Integrity Commissioner. The annual reports shall include information on the nature and number of complaints handled by their office and any other activities undertaken in the year.

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

Throughout the development of the policy, there was an appreciation of the fact that this is a new office and it would be necessary to establish some standards of practice for interaction between the Integrity Commissioner, the Board, and the Director of Education. In the first year, it may be helpful to establish some interim monitoring/check-in points to ensure a common understanding of the role.

The Integrity Commissioner would report directly to the Board, but there would likely be some interactions with the staff in case of investigations in allegations of misconduct. It is anticipated that the Director or their delegate would facilitate the Commissioner's access to files, records, things, or property which belongs to or used by the Board member concerned, as part of the Commissioner investigative role.

3. Aligning Duties and Skills of the Integrity Commissioner

The role description for an Integrity Commissioner (Appendix B) is based on the duties in the policy and an assessment of the skill sets necessary to undertake this role. Staff developed the role description in discussion with legal counsel and following a review of the requirements by other school districts.

The qualifications of an Integrity Commissioner do not include a law degree. Regardless of whether or not the appointee to the position had a law degree, the Integrity Commissioner would not provide legal advice to individual trustees; they would rather offer guidance based on their knowledge of code of conduct and conflict of interest matters.

4. Termination of an Integrity Commissioner

Recognizing that an Integrity Commissioner should have an independent investigation capacity and that such investigations would be sensitive, consideration was given to the process of terminating an Integrity Commissioner.

Based on a recommendation by legal counsel, staff retained the requirement of a two-thirds vote for the removal of an Integrity Commissioner for any reason.

5. Code of Conduct - Implications

The Board's approval of the Integrity Commissioner policy is a decision to proceed with this role and an RFP process. If the Board does not adopt policy P.141.GOV Integrity Commissioner (Appendix A), 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.

6. Conflict of Interest

In a separate report, revisions to P.025.GOV Board Member Conflict of Interest were made as a result of recent legislative changes. In addition, changes were made to incorporate the possibility of Board members seeking advice from the Integrity Commissioner where they have questions regarding their obligations under the conflict of interest policy and/or the *Municipal Conflict of Interest Act (MCIA)*.

## **RESOURCE IMPLICATIONS:**

7. With the creation of any new office, there are additional costs. In this particular situation, the creation of the office of the Integrity Commissioner is not the same as the creation of a new staff position. The recruitment process for an Integrity Commissioner would be done through an RFP process where there would be a market price element to the costs. The actual costs would not be fully known until the RFP has been completed.

At this stage, staff has estimated an annual retainer to be in the range of \$25,000 payable in twelve monthly increments for up to 20 hours of work per month. This is based on anticipation of the workload of the Commissioner and the current model adopted by other boards. Toronto District School Board (TDSB) offers an annual stipend of \$25,000 based on 20 hours per month averaged over a consecutive 12 month period. However, the annual stipend does not cover tasks pertaining to:

- seminars, which are remunerated at a negotiated price; or
- formal inquiries/investigations requested by the Board which are remunerated at a rate of \$200.00 per hour for up to \$1,000 per day.

In order to monitor the hours billed by the Integrity Commissioner, the contract might include a mechanism to send notifications when the work approaches or exceeds 20 hours per month. The contract could also clarify whether or not the monthly remuneration would be forfeited if unused or rolled forward for the continuation of use in the preceding months.

Funds to cover the estimated annual retainer were included in 2019-2020 budget.

## **COMMUNICATION/CONSULTATION ISSUES:**

3. 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:**

4. 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:**

THAT the draft policy P.141.GOV Integrity Commissioner, attached as Appendix A to Report 19-115, be approved.

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Camille Williams-Taylor  
Director of Education

## **APPENDICES**

Appendix A - Draft Policy P.141.GOV Integrity Commissioner  
Appendix B - Draft Role Description of the Integrity Commissioner of the  
Ottawa-Carleton District School Board  
Appendix C - Supplemental Information