

6.1 Delegation - Robin Browne, re Code of Conduct Policy and Process

I am here today to voice community concerns about the Board's process for addressing complaints of alleged violations of the Board's Code of Conduct by Board members.

There are four issues I wish to raise on behalf of the community members supporting my delegation.

1. First, the process appears to have no mechanism for taking into account trustees who have violated the code multiple times and, instead, treats each case like a first offence.
2. Second, Board members sometimes seem to choose to impose the lightest sanction, a censure, for offenses that deserve much more - which, again, leads to no change in behaviour.
3. Third, the maximum sanctions that the Board can impose on members found in violation of the Code are inadequate and clearly are not an effective deterrent. They simply don't cause members to change their behaviour or deter repeat Code of Conduct offences.
4. Fourth, the Board uses the Code of Conduct investigation process to prevent members of the public from speaking to *any* related important issues and this is in direct violation of the Code.

For example, the Board denied my request to present at the April 28 Board meeting. The reason I was given was that a complaint had been filed under the Board's Code of Conduct Policy regarding issues covered in my delegation. The complaint was currently being investigated by an outside consultant who would be filing a report with the Board that the trustees would be called upon to consider to determine what sanctions, if any, should be applied against the trustee. I was told that the Code of Conduct required trustees not to conduct their own investigation of the conduct referenced in the complaint. They were to consider only the facts found in the consultant's report in rendering their decision. We, as a community, were asked to understand why it was therefore inadvisable for the members of the Board to hear our delegations on the same subject matter while the consultant's investigation was proceeding.

We neither understand, nor agree.

There is nothing in the Code that supports such a ban. Rather, the Code prohibits discussing “the complaint, the response to the complaint, and the investigation of the complaint.” only. Since the community and the organizations that I represent did not make the complaint, or know any of its *specifics*, I couldn’t speak about it even if I wanted to.

Furthermore, by denying our request based on the assertion that our delegation touches on the subject of the complaint, and therefore might sway the trustees in their decision, the Board is violating the Code’s confidentiality requirement to not reveal what’s in the complaint.

Additionally, if the Board’s position is, as it appears to be, that trustees could be influenced by hearing delegations on the same subject matter while the consultant’s investigation is proceeding, what is the Board doing to ensure that trustees are not unduly influenced by the trustee under investigation, his or her supporters, or the media?

If the Board isn’t taking action to isolate trustees, similar to how juries are sequestered, then banning members of the public like myself, or the community organizations that stand with me, is like sequestering the trustees only from the public - which is clearly unfair and only serves to benefit trustees under investigation.

We call on the Board to review the issues raised in today’s delegation, revise the process for investigating alleged Code of Conduct violations to increase compliance with the Code. Your support in this regard will help restore public confidence in the process, the Code and the Board itself.

We will also be taking this up with our provincial representatives.