

**TOWNSHIP OF SOUTHGATE
ADMINISTRATION CENTRE**

Policy #61

Southgate Committee & Board Members

Code of Conduct Policy

Approved by Council on: January 25, 2016

**Southgate Committee & Board Member
Code of Conduct Policy**

A. Introduction

The Code of Conduct policy serves as a guide to community members appointed to Committees and Boards to assist them in their duties while serving as a volunteer with the Township of Southgate. The Code of Conduct also sets minimum standards for the behaviour of Committee or Board Members in their duties and responsibilities. This policy also applies to Task Forces and Working Groups, as a Council appointed Committee. Exempt from this policy is the Police Services and Library Boards because of legislation that allows them their own code of conduct policy.

B. Purpose of the Code of Conduct

The purpose of the Code of Conduct policy is to foster universal understanding of the fundamental rights, privileges and obligations of a Committee or Board member. The Code of Conduct serves as an embodiment of the basic principle of integrity, honesty, impartiality and common-sense, and recognizes that a person appointed to a Committee or Board has a responsibility to uphold these principles. It also sets out a standard of expectations and respect that Committee and Board members can count on from each other.

It has been developed to assist Committees and Boards to:

- Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- Fulfill their duty to act honestly and exercise reasonable care and diligence;
- Act in a way that enhances public confidence in local government; and
- Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

C. Standards of Conduct

1. Members of Committees or Boards shall, at all times, seek to advance the common good of the Township which they serve.
2. Members of Committees or Boards shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.

3. Members of Committees or Boards shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Members of Committees or Boards shall refrain from inappropriate conduct, verbal comments, written or social media communications that:
- Contravenes Federal or Provincial statutes or legislation, the Municipal Act, Southgate by-laws, associated regulations and Southgate's Code of Conduct;
 - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse or the adverse treatment of others;
 - Prejudices the provision of a service or services to the community; or
 - Put the Township, a Committee or Board of the municipality in a position of legal risk.

D. Conduct to be Observed

Committee and board members shall conduct themselves in a manner which is courteous, equitable, efficient and effective. All communications shall be handled in a sensitive and responsive manner, while respecting the Townships policies and procedures within which service to the public is provided. An objective and impartial attitude shall be maintained in dealing with all citizens.

1. Confidential Information

Committee and board members will have access to confidential information by reason of their appointment with the Township of Southgate.

Committee or Board Members have a duty to hold in strict confidence all information concerning matters dealt with at closed meetings.

A Member of a Committee or Board shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the closed meeting deliberations to anyone, unless expressly authorized by Council or required by law to do so.

Members of a Committee or Board shall not release information in contravention of the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56.

Members of a Committee or Board shall not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law to do so.

Members of a Committee or Board shall not misuse confidential information (information that they have knowledge of by virtue of their position as a Committee or Board member that is not in the public domain, including e-mails and correspondence from other Members of a Committee or Board or third parties) such that it may cause detriment to themselves, the Township of Southgate, Council or others, or benefit themselves or others.

All closed meeting materials shall be collected at the end of each in closed session by the meetings recording secretary or staff designate.

2. Foster Respect for Decision-Making Process

All Members of Committees and Boards shall accurately and adequately communicate the attitudes and decisions of the Committee or Board and Council, even if they disagree with the final decision or recommendation, such that respect for the decision-making process is fostered.

3. Release of Information to Public and Media

Members of Committees and Boards are encouraged to engage and communicate with the public and acknowledge that official information related to decisions and resolutions made by a Committee or Board or Council will normally be communicated to the community and the media by Council as a whole, the Mayor as Head of Council, by the Chair of a specific Committee or Board, or by those staff so designated.

4. Engaging in Incompatible Activity

Members of Committees or Boards shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members of a Committee or Board shall not:

- Use any influence of office for any purpose other than official duties;
- Solicit, demand or accept the services of any corporation, employee, or individual providing services to Southgate at a time in which said person or corporation is being paid by Southgate;
- Use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- Place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment; and
- Give preferential treatment to any person or organization in which a Committee or Board member have a financial interest.

5. Conflict of Interest

A conflict of interest exists where the civic objectives of a Committee or Board are in conflict with the member's private and personal objectives.

The following shall be considered as a Conflict of Interest for Committee or Board members representing the Township of Southgate:

- i. Where the member or member's family has a direct or indirect financial interest in a contract or proposed contract with the Township, and where the member could influence the decision made by the Township with respect to the contract.

- ii. Where a member could directly influence the decision made in the course of performing his/her duties, and also where he or she could indirectly influence the decision through exerting personal influence over the decision-maker.
- iii. Where a member is involved in a matter which places that member in a position where they are under obligation to any person who might benefit from special consideration or favour on their part.
- iv. Where a member is involved in a matter dealing with any application, agreement or contract with the Township for any loan, grant, award, land matter or other benefit in which they, their relatives or affiliated organizations have a pecuniary interest.
- v. Where a member is involved in a matter that gains personal benefit, directly or indirectly, from any knowledge about Township related matters.

If a potential conflict exists because of a member's personal or family interest in a property matter, a business dealing with the municipality or similar circumstance, the member must advise the Committee or Board Chair in writing and the Chair shall advise the Chief Administrative Officer of any serious matters.

It is the responsibility of a Committee and Board Member to ensure that they are aware of and familiar with the application of the Municipal Conflict of Interest Act. The onus is on the Committee and Board member to identify a conflict of interest and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty.

A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct/specific or indirect/not immediate/distant pecuniary interest, bias, pre-judgement, close mindedness or undue influence.

Committee or Board Members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member's term of the appointment and those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers to not exist.

The following principles should be used as a guide (refer to Ontario's Municipal Conflict of Interest Act, A Handbook - M. Rick O'Connor and George H. Rust-D'Eye):

- In making decisions, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on the Committee or Board, Council, staff, friends, or family.
- Always interpret the phrase “Conflict of Interest” in the broadest possible terms.
- A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the member of a Committee or Board.
- If in doubt, it is better to disclose a situation.
- It is the responsibility of member to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
- It is considered a breach of this policy to require or to attempt to burden staff members to assist in the determination of a conflict of interest.

E. Interpersonal Behaviour of Members of Committee or Board

1. Treat Every Person with Dignity, Understanding and Respect

Members are encouraged to express their views openly freely and in a manner that respects differences of opinion.

Members of a Committee or Board shall abide by the provisions of the Human Rights Code and, in doing so, shall treat every person, including other Members of a Committee or Board, Members of Council, employees, individuals providing services, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

2. Not to Discriminate

In accordance with the Human Rights Code, Members of a Committee or Board shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. “Age”, “disability”, “family status”, “record of offences”, “same sex partnership status” are as defined in the Human Rights Code.

3. Not to Engage in Harassment or Bullying (Psychological Harassment)

In accordance with the Township of Southgate's Personnel Policy as amended and the Human Rights Code, harassment shall mean engaging in course or vexatious comment or conduct that is known, or ought to be known, to be unwelcome. Bullying is the ongoing health or career-endangering mistreatment of an employee or individual by one or more of their peers or Committee or Board member(s). Unlikely to involve physical violence, it usually takes the form of psychological abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their assigned task or position.

4. Protection of Privacy

Committee or Board Members shall comply with the Municipal Freedom of Information and Protection of Privacy at all times. Public comments, discussions

and disclosures to the media regarding employees or individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

F. Allegations, Breaches and Disciplinary Actions

All Members of Committees or Boards shall abide by the requirements of this Code of Conduct.

1. Complaints of Discrimination or Harassment

Where an individual makes a complaint of harassment or discriminatory treatment by a Member of a Committee or Board, the Member of the Committee or Board may participate in the Informal Resolution and/or Mediation processes under Southgate's Harassment in the Workplace Policy.

If the Member of a Committee or Board does not participate in these processes or if the complaint is not resolved through these processes, the complainant may lodge a complaint to the Ontario Human Rights Commission.

2. Complaints Made by Any Person (allegations of activity other than in point 1 above)

Any complainant may take the following steps, if applicable, to address prohibited activity by a Member of a Committee or Board.

- A complainant may provide a written report or letter to the Mayor, the Deputy Mayor, Clerk or the Chief Administrative Officer as appropriate.
- A complainant may contact the OPP with respect to an investigation under section 122 of the Criminal Code of Canada, where the allegation is that a Member of a Committee or Board, in a matter connected to the duties of office, commits fraud or a breach of trust.
- A complainant may contact the OPP with respect to an investigation under section 123 of the Criminal Code of Canada, where the allegation is that a Member of a Committee or Board, in a matter connected to the duties of office, demands, accepts, or offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind.
- A complainant may advise the Member of a Committee or Board verbally or in writing that the activity contravenes this policy.
- A complainant may encourage the Member of a Committee or Board to stop the prohibited activity.
- A complainant should keep a written record of the incidents including dates, times, locations, other persons present and any other relevant information.
- A complainant may refer his or her complaint to the Ontario Human Rights Commission where the alleged misconduct involves a violation of the Human Rights Code.

G. Implementation

1. Introduction of the Code of Conduct Commitment document will take place at the first Committee or Board meeting.
2. All Members of a Committee or Board shall sign the Code of Conduct Commitment document to become a member.
3. A Committee or Board member will have 30 days to consider the appointment conditions and sign the Code of Conduct Commitment document
4. If a member fails to execute the Code of Conduct Commitment document, Southgate Council will seek another appointment for the vacant position.
5. Committee or Board members are expected to formally and informally review their adherence to the provisions of the Code of Conduct on a regular basis.

H. Non-Compliance / Enforcement

1. Failure to adhere to the Code of Conduct Policy, the provisions of the Municipal Act, the Municipal Conflict of Interest Act, and the Freedom of Information and Privacy Act, could lead to disciplinary action up to and including dismissal from the Committee or Board.

I. Enforcement

1. The Clerk shall ensure that all members of Committees and Boards are aware of this Code, and to the best of the member's ability, ensure that it is being followed.
2. The Chief Administrative Officer, the Clerk, and/or the Chair of a specific Committee or Board shall receive and investigate any written complaints related to non-compliance of the Committee or Board Member Code of Conduct Policy. The results of the investigation will be reviewed with the appropriate Committee or Board members in an in-camera session. The Committee or Board will make recommendations regarding disciplinary action to Council regarding non-compliance matters during an in-camera session. The Township Council will make the final decisions relating to all non-compliance matters.

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Appendix 1

Commitment of the Members

We the Members of the Township of Southgate

(Name of the Committee or Board)

are committed to observing this Code of Conduct.

Chair

Vice-Chair

Member

Member

Member

Member

Member