

SECTION: Administration		POLICY #: ADM-011
Date Approved: July 11, 2016		Advisory Committee Code of Conduct
Revision Date:	Review Date:	
Authority: Report CAO-05-16		

1.0 Policy Statement

The Town of Hanover values the important contribution of Council appointed Advisory and Ad Hoc Committees, Task Force and Working Groups. Committee members are expected to carry out their duties in a manner consistent with the Town of Hanover's values of respect, integrity and community.

2.0 Purpose

A written Code of Conduct helps to ensure a common basis of acceptable behaviour. These standards demonstrate how committee members conduct themselves as ambassadors of the Town of Hanover.

3.0 Scope

The Code of Conduct applies to persons who volunteer with the Town of Hanover in a formal way, including advisory committees, ad hoc committees, task force and working groups. This policy does not apply to Council, Local Boards, the Hanover Public Library Board, the Hanover Police Services Board, staff or volunteer firefighters, who must adhere to their own codes of conduct.

4.0 Definitions

- a) "Ad Hoc Committee" means a body of limited duration established by Council through terms of reference to produce recommendations for Council's consideration.
- b) "Advisory Committee" means a body, primarily made up of citizen appointees, which provides advice to Council and staff on an area of expertise. The work of the advisory committee is undertaken in keeping with terms of reference adopted by Council.
- c) "By-Law" means a regulation passed by Council for the government of its affairs.
- d) "Chief Administrative Officer" or "CAO" means the senior executive appointed by Council who is responsible for managing the municipality.
- e) "Clerk" means the person as appointed by Council pursuant to Section 228 of the Municipal Act, 2001.
- f) "Committee Member" means an appointee to an Advisory or Ad Hoc Committee, Task Force or Working Group.
- g) "Confidential Information" means:
 - i. Information in the possession of, or received in confidence by the municipality, that it is prohibited from disclosing, or has decided to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act;

- ii. A matter that has been debated or discussed at a meeting of Council closed to the public, unless the matter is subsequently discussed in open session, or it is authorized to be released by Council;
 - iii. Information concerning litigation, negotiation, or personnel matters; and
 - iv. Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the municipality, its officers and employees, or its effective operation.
- h) “Employee” means a person employed by the municipality, including those employed on a personal services contract and volunteers but does not include members.
- i) “Family Relationship or Member” means:
- i. spouse, including but not limited to common-law spouse and same-sex partner;
 - ii. child, mother, father, sibling, grandchild, grandparent, aunt, uncle, niece or nephew;
 - iii. parent-in-law or sibling-in-law;
 - iv. step-parent, step-sibling, or step-child;
 - v. parent or child in a relationship where the role of the parent has been assumed; or
 - vi. any person who lives with the Member on a permanent basis.
- j) “Head of Council” means the Mayor or the Deputy Mayor in the absence of the Mayor.
- k) “Local Board” means a local board as defined in Section 223.1 of the Municipal Act, 2001.
- l) “Municipality” means the Town of Hanover.
- m) “Official Duties” means functions performed by Committee members sanctioned by the Town of Hanover.
- n) “Personal Information” as defined in the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 c, M56 (MFIPPA), means recorded information about an identifiable individual and includes:
- i. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
 - ii. Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relation to financial transactions in which the individual has been involved;
 - iii. Any identifying number, symbol or other particular assigned to the individual;
 - iv. The address, telephone number, fingerprints or blood type of the individual;
 - v. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
 - vi. The views or opinions of another individual about the individual;
 - vii. The individual’s name if it appears with other personal information relation to the individual or where the disclosure of the name would reveal other personal information about the individual.
- o) “Task Force” means a body of limited duration established by Council through terms of reference to produce recommendations for Council’s consideration.

- p) “Working Group” means a body of limited duration established by Council through terms of reference to produce recommendations for Council’s consideration.

5.0 Policy Requirements

5.1 Statutory Provisions Regulating Conduct

- a) This Code of Conduct complements the existing legislation governing municipalities. The following federal and provincial legislation also governs conduct:
- i. Municipal Act, 2001
 - ii. Municipal Conflict of Interest Act
 - iii. Municipal Elections Act, 1996
 - iv. Municipal Freedom of Information and Protection of Privacy Act
 - v. Provincial Offences Act
 - vi. Ontario Human Rights Code
 - vii. Criminal Code of Canada.
- b) Complaints regarding statutory matters outlined in 5.1 a), should be directed to the appropriate process or authority.

5.2 General Principles and Values

- a) Committee members will support the mission, vision and values of the municipality.
- b) Committee members will respect the decision-making process of Council.
- c) Committee members will maintain professionalism, integrity, respect, and trust.
- d) Committee members will promote open, accountable, and transparent local government.
- e) Committee members will encourage public respect for the municipality, its by-laws and policies.

5.3 Standards of Behaviour and Conduct

5.3.1 Respect and Dignity

- a) Committee members have a duty to treat members of the public, one another, Council, and staff with respect and without abuse, bullying, or intimidation.
- b) Committee members will ensure their work environment is free from discrimination and harassment.
- c) Committee members will conduct themselves according to legislative requirements, including the municipal workplace harassment and violence policies.
- d) Committee members will observe decorum and conduct themselves as outlined in the procedural by-law and/or terms of reference.
- e) Committee members will refrain from public criticism that questions the professional reputation, competence, and credibility of Council, other volunteers, staff, or any other person.
- f) Committee members will protect and not divulge personal and confidential information obtained or encountered in the course of volunteering.

5.3.2 Conduct Respecting Staff

- a) Committee members acknowledge that only Council as a whole has the capacity to direct staff members.
- b) Committee members will be respectful of the fact that staff work for the municipality and are charged with making recommendations and advice based on political neutrality that reflects their professional expertise and objectivity.
- c) Committee members will not:
 - i. Maliciously or falsely injure the professional or ethical reputation of staff;
 - ii. Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
 - iii. Use, or attempt to use, their influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties.

5.3.3 Conduct Respecting Advisory and Ad Hoc Committees, Task Force and Working Group

- a) Committee members shall, when conducting committee business, preparing written correspondence, interacting with members of Council, the media, the public or staff, act in a manner that:
 - i. Fulfills the mandate and terms of reference of the body;
 - ii. Respects due process and the authority of the Chair and Council;
 - iii. Demonstrates respect for all fellow members, Council, the public, and staff;
 - iv. Respects and gives fair consideration to diverse and opposing viewpoints;
 - v. Represents the community and works with community members to bring forward their views;
 - vi. Demonstrates professionalism, transparency, accountability, and timeliness in completing any tasks or projects undertaken by the body;
 - vii. Conforms with all relevant legislation, by-laws, policies, and guidelines;
 - viii. Contributes in a meaningful manner, offering constructive comments to Council, staff, and fellow members; and
 - ix. Supports committee recommendations.
- b) A member of an Advisory or Ad Hoc Committee, Task Force or Working Group shall not:
 - i. Place themselves in a position where they could derive any direct personal benefit or interest from any matter about the member can influence decisions;
 - ii. Accord preferential treatment to relatives, or to organizations in which the member or a family member have an interest, financial or otherwise.
 - iii. Deal with an application to the municipality for a grant, award, contract, permit or other benefit involving the member or a family member;
 - iv. Place themselves in a position where the member is under obligation to any person who might benefit from special consideration or favour or who might seek preferential treatment in any way;
 - v. Benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public; and

- vi. Accept gifts, hospitality, or entertainment that could reasonably be construed as being given in anticipation or recognition of special consideration.
- c) A committee member shall disclose immediately to the body or the Clerk or Recording Secretary, any potential pecuniary interest.
- d) Despite b) and c), the municipality acknowledges that certain advisory committees are intentionally comprised of citizens representing business interests, organizations, or specific sectors. Therefore, a member's interest that arises as a result of this connection does not constitute a breach of b) or c).
- e) Where a committee member believes they have a conflict of interest in a particular matter, they shall:
 - i. Prior to any consideration, disclose their interest and the general nature thereof;
 - ii. Leave the room for the duration of time that the matter is being considered;
 - iii. Not take part in the discussion of, or vote on, any question or recommendation in respect of the matter; and
 - iv. Not attempt in any way, whether before, during or after the meeting, to influence the voting on any such question or recommendation.

6.0 Implications

This policy supports open, transparent, accessible and accountable government providing guidance to committee members and mechanisms to bring forward complaints.

7.0 Complaints Protocol (See Diagram 1)

7.1 Informal Complaint

Any individual who identifies or witnesses behaviour or activity by a committee member that appears to breach the Code of Conduct may:

- a) Advise the committee member that the behaviour or activity appears to breach the Code of Conduct;
- b) Encourage the committee member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- c) Document the incidents including dates, times, locations, other persons present, and any other relevant information;
- d) Request the Head of Council or designate to assist in informal discussion of the alleged complaint with the committee member in an attempt to resolve the issue;
- e) If applicable, confirm satisfaction with the response of the committee member, or if applicable, advise the committee member of dissatisfaction with the response; and
- f) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in 7.2, or in accordance with any other applicable process or complaint procedure.

7.2 Formal Complaint

Any individual who identifies or witnesses behaviour or an activity by a committee member that they believe is in contravention of the Code of Conduct may file a formal complaint in accordance with the following:

- a) All formal complaints shall be made in writing using Form 1, filed with the Clerk.
- b) The complaint must set out reasonable and probable grounds for the allegation that the committee member has contravened the Code of Conduct.

- c) The identity of the complainant shall be protected through a closed session meeting of Council's Nominating Committee due to personal matters about an identifiable individual, including the opinions contained in the written complaint.
- d) The Clerk will protect any personal information about the complainant and provide a summary of the complaint to the committee member. The committee member will have the opportunity to prepare a response using Form 2.
- e) Council's Nominating Committee will review the formal complaint (Form 1) and the response (Form 2) in closed session due to personal matters about an identifiable individual being the complainant.
- f) If the Nominating Committee decides there was a breach in the Code of Conduct, Council will decide the course of action and sanctions and will report out in open session.

7.3 Ombudsman

Pursuant to Section 14 of the Ombudsman Act, the Ombudsman can investigate any decision or recommendation made or any act done or omitted in the course of the administration of a public sector body, including municipalities.

Those making complaints are encouraged to pursue the informal and formal complaint options outlined in this Code of Conduct policy before contacting the Ombudsman.

8.0 Sanctions

If the Nominating Committee determines that a breach has occurred or if a committee member refuses to complete Form 3 (Acknowledgement), Council may impose the following:

- a) Issuance of a reprimand;
- b) Requirement for a written or verbal apology;
- c) Return of property or reimbursement of the property's dollar value; and/or
- d) Removal from membership of a committee or local board.

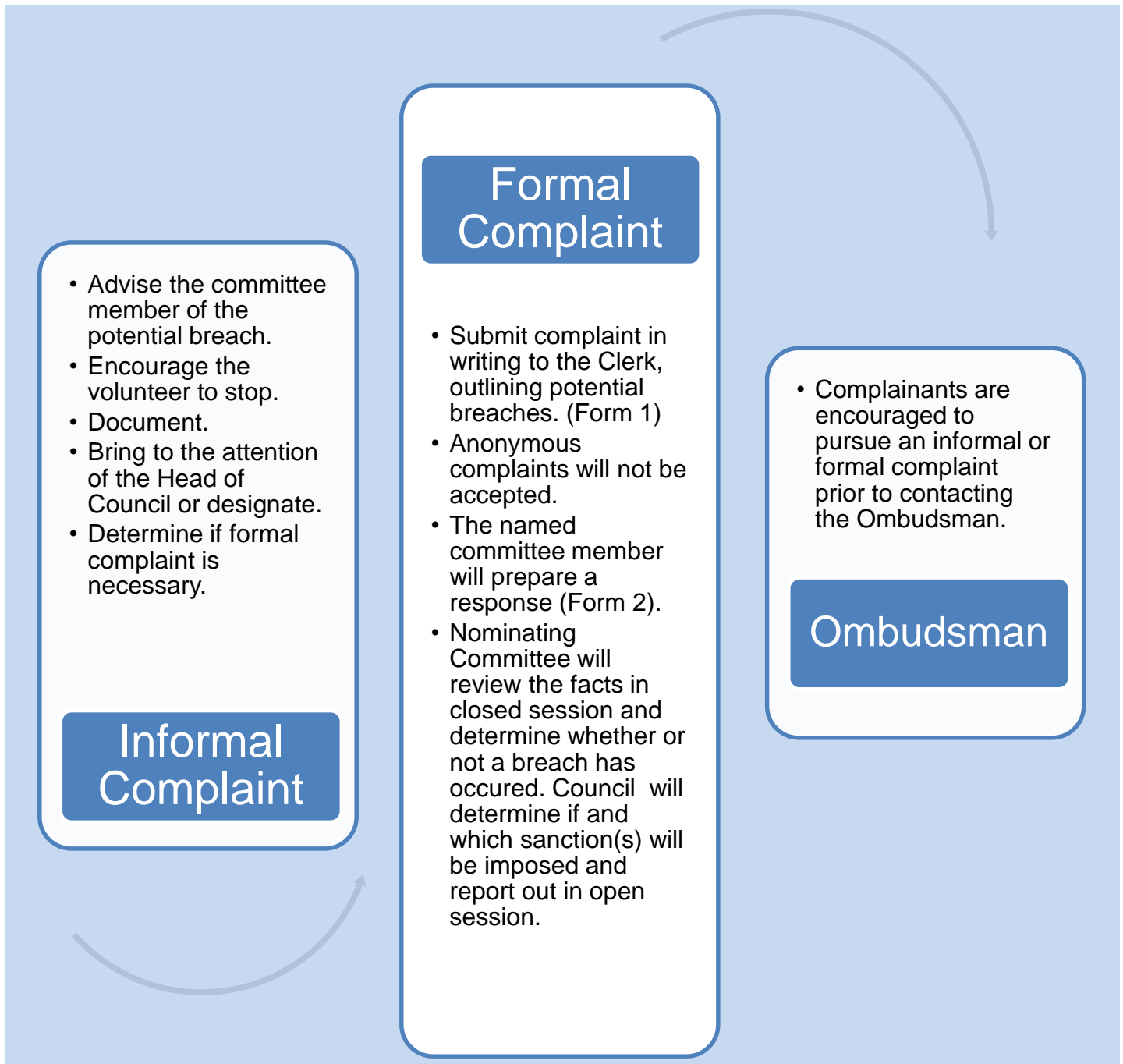
9.0 Authority

Section 223.2 (1) of the Municipal Act, 2001 authorizes the municipality "to establish codes of conduct for members of council of the municipality and of local boards of the municipality."

10.0 Contact

Questions pertaining to the Code should be directed to the Head of Council or Chief Administrative Officer/Clerk.

Diagram 1 – Complaints Protocol



Advisory Committee Code of Conduct

Form 1 – Formal Complaint

Please complete the following fields with as much information as possible regarding your complaint. Please note that you must complete all fields, including personal details, in order for your complaint to be investigated.

Complainant Details

Name: _____

Address: _____

Telephone: _____

E-Mail: _____

Complaint Details

Who is your complaint about? _____

Which category(s) does your complaint fall under?

- Respect and Dignity
- Conduct respecting Staff
- Conduct respecting Advisory/Ad Hoc Committees, Task Force & Working Groups

Have you attempted to resolve your complaint through the informal process?

- Yes No

Please turn over

Disclaimer: This information is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. The Clerk will protect any personal information about the complainant. The identity of the complainant shall be protected through a closed session meeting of Council due to personal matters about an identifiable individual.

Advisory Committee Code of Conduct Form 2 – Formal Complaint

Section 1: Complaint Details (to be completed by Clerk)

Complaint Number: _____

Who is the complaint about? _____

Which category(s) does the complaint fall under?

- Respect and Dignity
- Conduct respecting Staff
- Conduct respecting Advisory/Ad Hoc Committees, Task Force & Working Groups

Has there been an attempt to resolve the complaint through the informal process?

- Yes No

Give a brief summary of the complaint against the committee member

Please turn over

Advisory Committee Code of Conduct Form 3 – Code of Conduct Acknowledgement

I, _____, acknowledge the receipt of a copy of the Town of Hanover Advisory Committee Code of Conduct. I agree to be bound by the terms of the Code of Conduct as a member of an advisory committee or in another municipal volunteer position.

Signature: _____

Date: _____

NOTE: To be signed in duplicate. Please return to the Corporate Services Department to be placed in our personnel file.