



# BOARD MEMBERS' CONDUCT

## PSB-AI-002

Effective Date: 1995/03/24  
Amended: 2010/02/26  
Reviewed: 2012/05/25  
Amended: 2015/09/25

### Policy Statement

*It is the policy of the Regional Municipality of Peel Police Services Board that the requirements set out in this document shall form part of the Board Policies and Board Members are hereby directed to comply.*

### 1. Subject

Board members are to conduct themselves in a manner that will not bring disrepute to policing or compromise the integrity of the Board or the Peel Police Service it oversees. The guidelines governing the conduct of members of the Regional Municipality of Peel Police Services Board are set out in this policy.

### 2. Specific Definitions

#### “Act”

Means the Police Services Act, R.S.O. 1990 as amended;

#### “Board”

Means the Regional Municipality of Peel Police Services Board;

#### “Chair”

Means the Member elected as Chair of the Board by its Members pursuant to s.28 of the *Police Services Act*;

#### “Code of Conduct”

Means the Ontario Regulation No.421/97 for Police Services Board Members as prescribed by the Lieutenant Governor in Council (*as per Section 135(1) of the Police Services Act*);

#### “Commission”

Means the Ontario Civilian Police Commission;

#### “Member”

Means an individual appointed to the Regional Municipality of Peel Police Services Board pursuant to s.27 of the *Police Services Act*;

#### “Vice-chair”

Means the Member elected as Vice-Chair of the Board by its Members pursuant to s.28 of the *Police Services Act*.

### 3. Policy

1. It is the policy of the Board that all Board Members familiarize themselves and comply with the *O.Reg. 421/97- Members of Police Services Boards – Code of Conduct* (Appendix A), the *Police Services Act*, and any other law, Board policy, and Board By-law related to the role of a Police Services Board member.
2. Prior to commencing with the duties of office, Board Members shall take an oath or affirmation of office, in accordance with the *Police Services Act, Sec. 32* and as set out in *O.Reg. 268/10 Part 1 Sec. 1 - Oaths and Affirmations*, and shall re-affirm the oath or affirmation upon re-appointment.
3. The *Code of Conduct* and the *Police Services Act* applies to all Members of the Board, regardless of appointment status or other positions the Board Member may have.
4. The Board is not a committee of Council. It is a separate and distinct entity with responsibilities set out in Section 31 of the *Act* and in other provisions of Part III of the *Act*.
5. Members appointed by both municipal councils and the Province are governed by the *Police Services Act* and the *Code of Conduct*.
6. Members are bound by the obligations and responsibilities of the *Act*, the *Code of Conduct* and Board policies for as long as they are members of the Peel Police Services Board.
7. Members shall act in a manner that demonstrates accountability to the interests of the community. This action shall supercede the interest as an elected official, any personal commitments in interest groups, employment or membership on any other Board.
8. Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with the performance of their duties as a member of the Board, except any compensation authorized by law. This does not apply to tokens of appreciation that are received as an incident of protocol or social obligations that may accompany the responsibilities of their appointment to the Board.
9. Members shall not become involved in any application for employment with the Peel Regional Police Service.
10. Unless otherwise specified, the spokesperson for the Board is the Chair. In the event the Chair is unavailable, the Vice-Chair shall be the spokesperson for the Board.
11. The Executive Director may act as a spokesperson on behalf of the Board on matters of factual information, administration of the Board, communicating a decision of the Board in response to an inquiry, in an emergency, if a response is time-sensitive, or as otherwise directed by the Board.
12. In special circumstances, where a Board sub-committee has been established on a specific issue, the Board may designate the Chair of the sub-committee to act as spokesperson for the Board.
13. Board Members may communicate a position of the Board, however, should a Board Member publicly disagree with a position of the Board, or should a Board member comment upon a matter not yet before the Board, s/he shall clearly identify that they are speaking as an individual and not on behalf of the Board.

14. In the event communication (i.e. via email or letter) is directed to an individual member and clearly applies to the member as a Member of the Board, it shall be forwarded to all members.
15. Board members seeking to initiate contact with any member of the Service, shall do so in accordance with Board policy *PSB-AI-003 Political Relationships*. The Board member shall inform the Chief of Police or designate, and the Board Chair of their intention and reason for the contact.

#### **4. Breach of Code of Conduct , Police Services Act, Policy or By-law**

1. The Chair, (or the Vice Chair in the Chair's absence or if the Chair is the subject of a possible breach) upon becoming aware of a possible breach of the *Code of Conduct*, the *Police Services Act*, or any Board by-law or policy by any Board member, shall make make inquiries of the Member or legal counsel as deemed appropriate.
2. The Chief of Police, upon becoming aware of a possible breach of the *Code of Conduct*, the *Police Services Act* or any Board by-law or policy by any Board Member, shall inform the Chair.
3. The Chair shall place the matter regarding the conduct of a Board Member on an In Camera agenda for consideration by the Board, at a regular Board meeting, or call a special meeting of the Board.
4. The Chair shall provide notice to the Member that the matter will be considered at an In Camera meeting and the member shall be permitted to provide a written response to the Board.
5. The Member shall be present at the In Camera meeting during the Board's review of the matter.
6. If the Board determines that a Board member has not breached the *Code of Conduct*, the Board shall advise the member of the Board's decision and take no further action.
7. In accordance with Section 15 of the *Ontario Regulation 421/97 – Code of Conduct*, if the Board determines that a Board Member has breached the Code of Conduct, the Board shall record that determination in its minutes and may,
  - a. Require the member to appear before the board and be reprimanded;
  - b. Request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
  - c. Request the Commission conduct an investigation into the member's conduct under Section 25 of the *Act*.
8. Should the Board request the Commission to conduct an investigation into the member's conduct under Section 25 of the *Act*, it shall be done so by Board resolution.

#### **5. The Executive Director shall:**

1. Include a copy of the *Code of Conduct* and this policy in the Board Member's Orientation Binder.
2. Circulate a copy of the *Code of Conduct* and this policy to Board Members at the first Board meeting of the year. A declaration shall be included for Board Members to

sign, certifying that they have reviewed. Such declaration shall be returned to the Executive Director to be placed in the Board Member's file.

3. Provide to Board Members any relevant decisions from the Ontario Civilian Police Commission (OCPC) for information purposes.

#### **6. Authority/Legislative Reference**

O.Reg. 421/97 – Members of Police Services Boards- Code of Conduct  
*Police Services Act*, s.25, 27, 28, 29, 31, 32

O.Reg. 268/10 Part 1 Sec. 1 - Oaths and Affirmations

Board Minute #29/2010

Board Minute #46/2012

Board Minute #60/2015

**Replaces:** Conduct – Board Members – Adopted 1995/03/24 (*page I-D-1*)

Correspondence to the Board – Adopted 1980/02/14 (*page I-F-1*)

#### **7. Linkage to Appropriate Police Service Procedure/Directive**

N/A

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## APPENDIX A

### ONTARIO REGULATION 421/97

#### MEMBERS OF POLICE SERVICES BOARDS — CODE OF CONDUCT

**Last amendment: O.Reg. 298/05.**

This Regulation is made in English only.

1. Board members shall attend and actively participate in all board meetings. O. Reg. 421/97, s. 1.
2. Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers. O. Reg. 421/97, s. 2.
3. Board members shall undergo any training that may be provided or required for them by the Solicitor General. O. Reg. 421/97, s. 3.
4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public. O. Reg. 421/97, s. 4.
5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so. O. Reg. 421/97, s. 5.
6. A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion. O. Reg. 421/97, s. 6.
7. Board members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office. O. Reg. 421/97, s. 7.
8. Board members shall uphold the letter and spirit of the Code of Conduct set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board. O. Reg. 421/97, s. 8.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the Human Rights Code and the Charter of Rights and Freedoms (Canada). O. Reg. 421/97, s. 9.
10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated. O. Reg. 421/97, s. 10.
11. (1) Board members shall not use their office to obtain employment with the board or the police force for themselves or their family member. O. Reg. 298/05, s. 1.  
(2) For the purpose of subsection (1),  
"family member" means the parent, spouse or child of the person, as those terms are defined in section 1 of the Municipal Conflict of Interest Act. O. Reg. 421/97, s. 11 (2).
12. A board member who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board. O. Reg. 421/97, s. 12.
13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force. O. Reg. 421/97, s. 13.

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14. (1) A board member whose conduct or performance is being investigated or inquired into by the Commission under section 25 of the Act or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry and hearing. O. Reg. 277/00, s. 1.
- (2) If the application of subsection (1) results in a board not having enough members able to exercise their duties in order to constitute a quorum during an investigation, inquiry or hearing under section 25 of the Act, the chair of the Commission may appoint that number of persons necessary to constitute a quorum, who shall act in the place of the members who are unable to exercise their duties. O. Reg. 277/00, s. 1.
- (3) The chair of the Commission,
- (a) shall specify in an appointment made under subsection (2) that the appointee may only exercise such duties as are necessary for the effective operation of the board during the investigation, inquiry or hearing and, for such purpose, may specify the duties the appointee may or may not exercise; and
  - (b) shall cancel an appointment made under subsection (2) as soon as a member of the board who declined to exercise his or her duties under subsection (1) resumes exercising his or her duties or is replaced under subsection 25 (8) of the Act. O. Reg. 277/00, s. 1.
15. If the board determines that a board member has breached the Code of Conduct set out in this Regulation, the board shall record that determination in its minutes and may,
- (a) require the member to appear before the board and be reprimanded;
  - (b) request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
  - (c) request that the Commission conduct an investigation into the member's conduct under section 25 of the Act. O. Reg. 421/97, s. 15.