



BOARD MEMBERS' CONDUCT

PSB-AI-002

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

Policy Statement

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

1. Subject

The guidelines governing the conduct of members of the Regional Municipality of Peel Police Services Board.

2. Specific Definitions

“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

“member” – means a member of the 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 Requirements

- a) Prior to commencing with the duties of office, Board members shall take an oath or affirmation of office, as set out in O.Reg. 144/91, Amended by O.Reg.499/95, s.1, and shall re-affirm the oath or affirmation upon re-appointment;
- b) Should the Board member be aware of any alleged criminal activity, the Board member shall report it directly to the Chief of Police;
- c) Board members shall familiarize themselves with O.Reg. 421/97 (Appendix A), and ensure their conduct adheres to the requirements contained therein;
- d) 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;
- e) In special circumstances, such as labour negotiations, or where a Board subcommittee has been established on a specific issue, the Board may designate the Chair of the committee to act as spokesperson for the Board;
- f) 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;
- g) In the event that correspondence is directed to an individual member of the Board, it shall be forwarded to all members, and where necessary, a legal opinion obtained on the subject matter prior to submission to the Board for its consideration;
- h) Should a Board member commit a serious contravention of a Board policy, the Board shall, at the earliest opportunity, seek clarification from the member as to her/his actions;

- i) Should the Board determine that the member knowingly and wilfully contravened the policy, the Board may pass a motion of censure, such a motion to be made public and communicated to the Minister of Community Safety & Correctional Services of Ontario, the Ontario Civilian Commission on Police Services, and the Regional Council of Peel.

4. Measurement Methods

The Chair shall undertake to ensure that the conduct of all members of the Board does not contravene the requirements of the Police Services Act or Board policy.

5. Reporting

The Chair and/or the Executive Director shall report to the Board on an exception basis. For further clarity, this applies to those circumstances where breaches of the Code of Conduct have resulted in circumstances which are detrimental to the Board, or has resulted in significant issues of liability.

6. Authority/Legislative Reference

O.Reg. 144/91
O.Reg. 421/97
Police Services Act, s.25, 27, 28, 29, 31, 32
Board Minute #29/2010
Board Minute #46/2012

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

I-B-144(F)

Review Date: Tri-Annual

Appendix "A"**Police Services Act
Loi sur les services policiers****ONTARIO REGULATION 421/97****MEMBERS OF POLICE SERVICES BOARDS — CODE OF CONDUCT**

Consolidation Period: From June 13, 2005 to the [e-Laws currency date](#).

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.
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.