

SECTION:	Finance	APPROVED BY:	County Council
NUMBER:	6.12	SIGNATURE:	Original signed by Peter M. Crockett
PAGE:	1 of 10	DATE:	November 28, 2007
REFERENCE POLICY:	5.06, 5.11, 5.18, 6.02, 8.04	REVISED:	July 13, 2016

Code of Conduct Policy

PURPOSE

- 1.1 The purpose of this policy is to establish guidelines for the ethical behaviour of all members of Council, advisory committees and local boards of the municipality and to enhance public confidence that the County's elected and appointed officials are held to a high standard of conduct. It is intended only to supplement the legislative parameters within which the members must already operate. It is not intended to replace personal ethics.

LEGISLATIVE AUTHORITY

- 2.1 Section 223.2 (1) of the *Municipal Act, 2001* authorizes the municipality "to establish codes of conduct for members of the council of the municipality and of local boards of the municipality".
- 2.2 Section 223.2 (2) of the *Municipal Act, 2001* further provides that "a by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence".

DEFINITIONS

- 3.1 For the purposes of this Policy,

"**Code**" shall mean the Code of Conduct.

"**County**" shall mean the County of Oxford.

"**Member**" shall mean all members of Council, advisory committees and local boards of the municipality.

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PROCEDURE

4.0 General Conduct

- 4.1 All Members shall serve their constituents in a conscientious and diligent manner and to the best of their knowledge and ability.
- 4.2 All Members shall perform their official functions and duties in a fair, impartial and transparent manner. No Member shall knowingly make a false statement; nor will a Member make a statement with the intent to mislead Council.
- 4.3 No Member shall use the influence of office for any purpose other than the exercise of his or her official duties.
- 4.4 Members shall endeavour to conduct and convey Council business in an open and public manner with the exception of those matters noted in Section 5.0 below.

5.0 Gifts and Benefits

- 5.1 No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office, unless permitted by the exceptions listed below:
 - 5.1.1 Compensation authorized by by-law or by County Policy No. 6.02 for the payment of expenses incurred in the pursuit of professional development opportunities or work outside of Oxford County;
 - 5.1.2 Such gifts or benefits received as an incident of protocol or social obligation that normally accompany the duties of office;
 - 5.1.3 A political contribution otherwise reported by law;
 - 5.1.4 Services provided without compensation by persons volunteering their time;
 - 5.1.5 A suitable memento of a function honouring the Member;
 - 5.1.6 Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them or by the federal government or by a foreign country;
 - 5.1.7 Food and beverages consumed at banquets, receptions or similar events, if:
 - a) attendance serves a legitimate purpose;

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b) the person extending the invitation or a representative of the organization is in attendance; and

c) the value is reasonable and the invitations infrequent;

5.1.8 Communication to the offices of a Member, including subscriptions to newspapers and periodicals.

5.2 For the purposes of this section, a fee or advance paid to or a gift or benefit received by a Member's spouse, child, parent or staff of which the Member is aware and that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member.

5.3 If the value of the gift or benefit described above exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the Member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Chief Administrative Officer. The disclosure statement must indicate:

5.3.1 nature of the gift or benefit;

5.3.2 source and date of receipt;

5.3.3 circumstances under which it was given or received;

5.3.4 estimated value; and

5.3.5 recipient's intended use of the gift.

5.4 Except in the case of 5.1.6 above, a Member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500.

5.5 Disclosure statements shall be made a matter of public record and shall be presented to County Council to ascertain whether receipt of the gift or benefit might create a conflict between a private interest and the public duty of the Member. In the event Council makes that preliminary determination, Council shall call upon the Member to justify receipt of the gift or benefit.

5.6 Should County Council determine that receipt of the gift or benefit was inappropriate, Council may direct the Member to return the gift, reimburse the donor for the value of the gift or benefit already consumed or forfeit the gift or remit the value of the gift or benefit already consumed to the County.

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6.0 Confidentiality

- 6.1 All information, documentation or deliberation received, reviewed or taken in closed session meetings of Council and its committees or boards are confidential and no Member shall disclose the content of the matter or the substance of the deliberations either directly or indirectly unless expressly authorized by Council or required by law.
- 6.2 Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when expressly authorized by Council or required by law.
- 6.3 Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.
- 6.4 Particular care should be exercised in ensuring confidentiality of the following types of information:
- The security of the property of the municipality or local board;
 - Personal matters about an identifiable individual;
 - A proposed or pending acquisition or disposition of land by the municipality or local board;
 - Labour relations or employee negotiations;
 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*;
 - An ongoing investigation respecting the municipality or local board by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman appointed under Sec.223.13 (1) of the *Municipal Act* or the investigator referred to in Sec.239.2(1) of the *Municipal Act*;
 - Information that infringes on the rights of others (ex. Sources of information where the identity of the provider is given in confidence);
 - Price schedules in contract tenders or Requests for Proposal submissions if so specified; and
 - Statistical data required by law not to be released.

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This list provides examples only and is not exclusive.

- 6.5 Requests for information should be referred to the Legislative Services Coordinator to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act*.
- 6.6 Members shall acknowledge that official information related to major decisions and resolutions made by Council will be released to the public and media by Council as a whole or by the Warden or by the Member so designated by Council.

7.0 Use of County Property, Services and Other Resources

- 7.1 No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to the use of County property, equipment, supplies or services not otherwise available to the general public and not consequent to his or her official duties or associated community activities of which Council has been advised.
- 7.2 No Member shall obtain financial gain from the use of County developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the County of Oxford.
- 7.3 No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purpose other than his or her official duties.

8.0 Work of a Political/Personal Nature

- 8.1 No Member shall use County facilities, services, publications or property for his or her re-election campaign or for personal or business use.
- 8.2 No Member shall use the services of County employees for his or her re-election campaign or for personal or business use during the hours in which the employees are in the paid employment of the County.

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8.3 No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the County.

9.0 Conduct at Meetings of Council

9.1 Members shall conduct themselves with decorum at Council. All Members must show courtesy and not distract from the business of Council when other Members or staff have the floor.

9.2 Members shall foster working relationships with other Members based on mutual trust and respect and shall accept the differing but complementary roles of each Member in achieving the objectives of Council.

9.3 Members shall refrain from public criticism of other Members and County staff in a way that casts aspersions on their professional competence and credibility.

10.0 Use of County Technology

10.1 Members shall comply with the provisions of County Policy No. 8.04 (Technology Use) regarding appropriate use of the County's technological resources.

11.0 Business Relations

11.1 No Member shall borrow money from any person who regularly does business with the County unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

11.2 No Member shall act as a paid agent before Council or a committee of Council or any board of the County.

11.3 When conducting County Council business or the business of a committee of Council or any board of the County or when acting as a Council representative at community events, Councillor communications shall be free of professional endorsement or personal business promotion.

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12.0 Conflict of Interest

- 12.1 All Members shall be aware of their obligations under the *Municipal Conflict of Interest Act* and shall disclose any potential conflicts under the Act to Council forthwith.
- 12.2 No Member shall place themselves in a position of obligation to any person or organization which might benefit from special consideration or seek preferential treatment.
- 12.3 No Member shall give preferential treatment to or influence any administrative or Council decisions involving or affecting any person or organization in which a Member has a financial interest.

13.0 Expenses

- 13.1 Members shall comply with the provisions of County Policy No. 6.02 regarding compensation for expenses incurred in pursuit of professional development opportunities or performing work outside of Oxford County.

14.0 Influence on Staff

- 14.1 Members shall be respectful of the fact that staff work for the County as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or group of Members of Council.
- 14.2 Members shall not attempt to direct the activities of staff or departments except through established channels of authority.
- 14.3 Members shall direct any criticisms of staff through the Chief Administrative Officer.

15.0 Foster Respect for the County and its By-laws and Policies

- 15.1 Members shall encourage public respect for the County and its by-laws and policies, even if they disagree with a decision of Council.

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16.0 Harassment

- 16.1 Members shall abide by the provisions of the *Ontario Human Rights Code* and shall not discriminate on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- 16.2 Harassment of another Member, staff or any member of the public is considered misconduct. It is the policy of the County that all persons be treated fairly and with dignity and respect in the workplace in an environment free of discrimination and of personal and sexual harassment.
- 16.3 “Discrimination” and “Harassment” shall be defined as per County Policy No. 5.06 on workplace harassment and discrimination prevention and Members shall comply with the provisions of this policy.

17.0 Alcohol and Drug Use

- 17.1 Members shall comply with the provisions of County Policy No. 5.18 regarding improper use of alcohol and prescription medication as well as banning the use of illicit drugs.

18.0 Nepotism

- 18.1 Members shall comply with the provisions of County Policy No. 5.11 (Nepotism Policy) which deals with conflicts of interest in the employment and promotion of immediate relatives of members of Council. An “immediate relative” of a Member shall be defined as per County Policy No. 5.11.

19.0 Informal Complaints

- 19.1 Individuals (ex. municipal employees, members of the public, Members of Council or local boards or advisory committees) or organizations who have identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code may wish to address the prohibited behaviour or activity themselves as follows:

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- a) Advise the Member that his/her behaviour or activity appears to contravene the Code;
- b) Encourage the Member to stop the prohibited behaviour or activity;
- c) Keep a written record of the incidents including dates, times, locations, witnesses, and any other relevant information;
- d) Confirm to the Member that you are satisfied with the response, if applicable, or advise the Member of your dissatisfaction with the response; and
- e) Consider the need to pursue the matter in accordance with the formal complaint procedure set out below.

19.2 Complainants are encouraged to initially pursue the informal complaint procedure as a means of stopping or remedying the prohibited behaviour or activity. However, it is not a precondition or prerequisite to pursue the informal complaint procedure prior to pursuing the formal complaint procedure.

20.0 Formal Complaints

- 20.1 A formal complaint shall be made in writing and shall set out the grounds for the belief that a contravention of the Code has occurred. The complaint shall include any supporting evidence, including the names of witnesses who can substantiate the claim, and shall be signed by an identifiable individual. The complainant's name may become public if an investigation is launched. The complaint shall be filed through the County Clerk or designate.
- 20.2 If the complaint is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised to pursue the matter with the police.
- 20.3 If the complaint is alleging a contravention of the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with his/her own legal counsel.
- 20.4 Within 15 days of receipt of the complaint, the Clerk or designate shall forward the complaint to the Member being referenced in the complaint for response. Any response received from the affected Member shall be forwarded to the complainant forthwith.
- 20.5 If no resolution has been reached in 20.4 above, the Clerk shall forward the complaint and any response received from the affected Member to a closed

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session of Council for consideration.

- 20.6 If Council is of the opinion that the complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, then Council shall direct staff to respond to the complainant indicating the matter has been reviewed and determined that no further action is required.
- 20.7 If Council determines that there is a bona fide complaint, and that the Member has contravened the Code, Council may impose either of the following penalties:
- a) a reprimand; or
 - a) a suspension of the remuneration paid to the Member for his/her services as a Member for a period of up to 90 days.
- 20.8 If it is determined that a breach of the Code has occurred, any breaches and actions taken shall be ratified by resolution in open session of Council.
- 20.9 If the complainant is not satisfied with the result of the internal investigation and outcome, he/she may choose to submit the complaint to the Ontario Ombudsman.
- 20.10 If it is determined that a breach of the Code may have occurred, but Council is unable to make a final determination, Council may pass a resolution requesting the Ontario Ombudsman to conduct an investigation and make a recommendation or pass a resolution requesting a Judge of the Ontario Superior Court of Justice to conduct an investigation under Sec.274(1) of the *Municipal Act*.

21.0 Interpretation

- 21.1 Members seeking clarification of any part of this Code should consult with the Chief Administrative Officer.