

Council Policy

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A-19	Mayor & Councilors Code of Conduct	APPROVED: 17 07 2017 Day Month Year

1. Purpose

The purpose and intent of this policy, is to establish guidelines for ethical and interpersonal standards of conduct for Members of Council.

2. Standard of Conduct

It is understood that attaining an elected position is a privilege which carries significant responsibilities and obligations. It is further understood that Council members are to held to a higher standard of behavior and conduct that the general public. Council members must be independent, objective and responsible to the people. Members are to be expected to act with integrity and fairness that will bear the closest scrutiny.

Members can become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act.

At the commencement of each term, Members of Council will be expected to sign two copies of the Code of Conduct, and convey to each other and all stakeholders that they read, understand, accept, and agree to abide by it.

3. Conflict of Interest

Members must follow the letter and spirit of provisions of the *Municipal Act (2001)* and the *Municipal Conflict of Interest Act*.

4. Communication

1. Members will accurately and adequately communicate the decisions of Council, even if they disagree with a majority decision.
2. Members are to respect the decision making processes of Council.
3. Councillors must convey and conduct Council business in an open and public manner {other than those matters excluded by section 239(2) Municipal Act (2001)} so that stakeholders may learn the process, logic and rationale which are used to reach conclusions or decisions.
4. Council members will speak respectfully of each other, staff, the municipality, and all Council decisions.

5. Councillors will not comment on other members or staff in a manner which casts aspersions on their professional competence and/or credibility.

5. Confidential Information

Every municipal Council Member must hold in strict confidence all information of a confidential nature acquired in the course of his or her term with the municipality. The following shall be considered breaches of the Code of Conduct:

1. To use confidential information, which is not available to the general public, and to which Members of Council have access by reason of his/her position with the municipality to further his/her personal interests or the interests of others.
2. To disclose, either directly or indirectly, release, make public or in any way divulge any such information (verbal or written) or any aspect of the "In-Camera" session deliberations to anyone, unless expressly authorized by Council or Required by law to do so.
3. To disclose to unauthorized persons confidential information to which the Member of Council has access by reason of his/her position as a Member of Council with the municipality.
4. Council shall comply with the Municipal Freedom of Information and Protection of Privacy Act at all times. Public comments, discussions and disclosures to the media regarding employees of individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

6. Relationship with Staff

1. Only Council as a whole can direct staff members to carry out specific functions.
2. Council members agree that staff members have a duty to the whole Council rather than any individual member.
3. Members shall be respectful of the role of staff to advise based on objectivity and without undue influence from any individual member of Council.
4. No Member shall use, or attempt to use, their authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

7. Treat Every Person with Dignity, Understanding and Respect

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other members of Council, Town employees, individuals providing services on contract, 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.

8. Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability. "Age", "disability", "family status", "same sex partnership" shall be as defined in the *Human Rights Code*.

9. Not to Engage in Harassment

Harassment shall mean engaging in a course of vexatious comment or conduct or conduct that is known or ought reasonable to be known to be unwelcome.

Harassment includes harassment prohibited by Human Rights Code, Occupational Health & Safety Act and the Township Anti-Harassment Policy. Members of Council shall not:

1. Make racial, homophobic, sexist or ethnic slurs.
2. Display offensive or derogatory material.
3. Make offensive or suggestive gestures.
4. Make written or verbal abuse or threats.
5. Vandalize personal property.
6. Make unwelcome or demeaning remarks, gestures, jokes which cause embarrassment or awkwardness.
7. Make unwanted physical contact, including touching, patting or pinching or demand sexual favours or requests.
8. Display patronizing behavior which undermines self-respect or adversely affects work performance.

10. Use of Town Property

The Township of Red Rock strictly prohibits the use of Township of Red Rock buildings, equipment and property for conducting unapproved business for any personal, alternate sources of employment, compensated or otherwise, or for any home-based business.

11. Breach of Policy

1. Any member of Council including the Mayor may submit a confidential written allegation of a breach of the Code of Conduct for Council to the Chief Administrative Officer.
2. The Chief Administrative Officer shall hold the allegation in confidence and shall place the personal matter on the next Regular or Special Meeting of Council Agenda In-Camera session.
3. When the matter is addressed at the next Council Meeting In-Camera, the party that is subject of the allegation may ask to have the matter tabled to allow said party to obtain legal counsel. In such case, a second meeting of Council In-Camera will be held during the next regular meeting of Council Meeting. The Party, so alleged, may then introduce evidence including witnesses and legal counsel to support his or her position.
4. Should Council determine that a Member has potentially breached a policy of the Code of Conduct, Council shall report that such a determination has been made and pass a resolution as to the outcome and the consequences. This resolution shall be ratified by resolution in open session.

5. Should Council feel that a breach may have occurred, but is unable to make a determination, Council may pass a resolution requesting a Judge of the Ontario Superior Court of Justice to conduct an investigation.
6. Should a breach occur consequences for such breach may include, but are not limited to, removal from Committee assignments either permanently or for an interim period of time, barring member from attendance of a closed session meeting either permanently or for an interim period, bar the member from being circulated/informed of confidential materials/matters, withhold honorarium for a period not longer than 3 months or demand an apology.
7. All breaches under this By-Law will be fair and in keeping with the severity of the infraction.
8. Nothing in this section restricts or attempts to countermand a Councilor's legal right to challenge a decision by Council.

This policy shall take effect the day of passing.

APPROVED this 17th day of July, 2017.

ACKNOWLEDGEMENT

The undersigned Member of Council hereby acknowledges receipt of a copy of By-Law No. 2107-1160 being the Mayor and Councilor's "Code of Conduct By-Law".

Signature of Member of Council

Date of Signature

Acknowledgement of Receipt of Code of Conduct Policies

Printed Name

NOTE:

The Member of Council acknowledges that a copy of By-Law No. 2017 - 1160 containing the Code of Conduct Policy for Council was provided to the Member. One signed copy of the "**ACKNOWLEDGEMENT**" was returned to the Clerk and the Member of Council retained a complete copy of the By-Law.