

# *Office of the Integrity Commissioner*

OCSTA

January 17, 2020

to awareness. to dialogue. to resolution

# *What are the Commissioner's Main Duties?*

- ▶ All Board Trustees are subject to their school board's member Code of Conduct.
- ▶ IC mandate is to ensure the code of behaviour and ethics governing the Trustees is objectively applied
- ▶ Duties include:
  - ▶ Conduct inquiries into requests made by a member of the public, staff of the Board or a Member of the Board about the Code of Conduct.
  - ▶ Upon consent of the parties, the Integrity Commissioner may also participate in the role of mediator of issues relating to an informal complaint.

# *Can the Integrity Commissioner Investigate Complaints about the Staff, Superintendents, Teachers, Principals?*

- ▶ The IC does not have authority over the board administration, employees, including Board Staff.
- ▶ The activities of the IC relate only to the actions and behaviours of Board Trustees in relation to the rules of the Code of Conduct

# *Term of Office*

- ▶ The Integrity Commissioner can be appointed for a five year non-renewable term of office.

# *Duties of the Integrity Commissioner*

- ▶ Usually there is an accountability framework embedded in the board bylaws outlining the responsibilities of the Integrity Commissioner, that include:
  - ▶ (a) to provide advice to trustees on the application of the Trustee Code of Conduct, Board policies, procedures, the Trustee Code of Conduct Complaint Protocol, and general information with respect to a trustee's obligations under the Municipal Conflict of Interest Act;
  - ▶ (b) to make inquiries as directed by the Board of Trustees and in accordance with the Complaint Protocol into whether a trustee has contravened the Trustee Code of Conduct;
  - ▶ (c) to provide opinions on policy matters and make other reports to the Board of Trustees as requested on issues of ethics and integrity;
  - ▶ (d) to provide educational programs to trustees on issues of ethics and integrity;
  - ▶ (e) to maintain custody and control of their complaint and inquiry files
  - ▶ and on completion of the term of office, transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by the Board of Trustees; and
  - ▶ (f) to provide such other duties respecting ethical matters as assigned by the Board.

# *What is the extent of the Integrity Commissioner's Authority*

- ▶ The Board generally adopts a Complaint Protocol for the Board Member Code of Conduct (the “Complaint Protocol”), that sets out the scope of the IC’s authority over matters addressed by the Code of Conduct.
- ▶ The Protocol sets out the process for two types of complaints: formal and informal.
- ▶ Complaints must be made within 6 months of the alleged violation
- ▶ *Remember: allegations involving the Criminal Code of Canada is a police matter, and would not be investigated by the IC.*
- ▶ *The IC would not investigate a complaint of an alleged conflict of interest involving a Trustee, as a remedy is provided under the Municipal Conflict of Interest Act.*
- ▶ You can always contact the IC to determine if the matter is governed by the Code of Conduct.

# Reporting

- ▶ Following an investigation, the IC reports to the Board with findings, and an analysis and recommendations on Code violations
- ▶ Where it deems appropriate, the Board is required to impose sanctions
- ▶ A Trustee may be warned or required to undertake professional development or further training
- ▶ IC can make interim reports to the Board where there are instances of interference, obstruction or retaliation encountered during an investigation
- ▶ Reporting to the Board of Trustees, annually

# *Outside & Inside IC Jurisdiction*

## ▶ Inside:

- ▶ Advice & Recommendations
- ▶ Complaints
- ▶ Guidance on Code Conduct/Rules
- ▶ Overrides the MFIPPA

## ▶ Outside:

- ▶ MCOIA
- ▶ Municipal Elections Act
- ▶ Human Rights Act, OHSA, Whistle-Blowing (staff/administration)



## *How is the Public Informed of the Commissioner's Activities?*

- ▶ The Commissioner publishes an annual report regarding its activities and costs incurred, and it is posted on the school board website.