



# Corporation Of The Municipality of South Huron Schedule "A" to By-Law #42-2016

## Code of Conduct Policy

**Policy Number:** 03-2016  
**Effective Date:** July 4, 2016  
**Revision Date:**

**Department:** Corporate Services  
**Applies To:** South Huron Council, Committees, Local Boards

### 1. Preamble

Members of Council, Committees and Local Boards (Members) have important obligations and responsibilities to those they represent, serve and interact with in connection with carrying out the roles and duties of a Member's office. A Member's conduct and behavior in terms of ethics and interpersonal conduct and communications are regulated by legislative acts including:

- a. Municipal Act, 2001, S.O. 2001, c. 25 (Municipal Act);
- b. Public Inquiry Act, 2009, S.O. 2009, c. 33 (PIA);
- c. Occupational Health and Safety Act (OHSA);
- d. Ontario Human Rights Code (OHRC);
- e. Municipal Freedom of Information and Protection of Privacy Act, R.S. 1990, c.M. 56 (MFIPPA);
- f. Municipal Elections Act, 1996, S.O. 1996, c. 32 (MEA); and
- g. Municipal Conflict of Interest Act, R.S.O. 1990, c.M. 50 (MCIA).

### 2. Purpose

The purpose and intent of this Code of Conduct for Members of Council, Committees and Local Boards [Code of Conduct] is as follows:

- a. to establish guidelines for ethical conduct required of Members;
- b. to establish guidelines to encourage and ensure interpersonal conduct, communications and interactions consistent with legal requirements (i.e. OHSA, OHRC); and
- c. to provide mechanisms to ensure accountability and compliance with the required ethical and interpersonal conduct standards of this Code of Conduct.

### 3. General Standards Of Conduct

Members shall conduct themselves at all times in a manner that:

- a. is consistent with and advances the interests of the community they serve;
- b. is consistent with the well-being and interests of The Corporation of the Municipality of South Huron (Corporation);
- c. is consistent with the Corporation's interest in transparency and accountability;
- d. reflects a diligent and impartial exercise of the office held to the best of the Member's knowledge and ability;

- e. reflects the Member's adherence to obligations in connection with avoidance of conflicts of interest; and
- f. is consistent with the legal deliverables governing interpersonal interactions (i.e. civil and respectful, free from harassment or discrimination, free from violence or the threat of violence).

## **4. Ethical Conduct Requirements**

### **4.1 Decision-making Process**

Members shall conduct themselves with decorum during the proceedings of meetings. Members shall show courtesy and not distract from the business of the Council or Committee during presentations and when other Members have the floor.

Members shall accurately and adequately communicate the attitudes and decisions of Council and Local Boards, such that respect for the decision and decision-making process is fostered.

### **4.2 Conflict of Interest**

Members shall conduct themselves in accordance with the MCIA, as amended from time to time.

Members have strict obligations to avoid conflicts of interest by taking the following steps whenever a Member has a direct or indirect pecuniary interest in any matter that is before them in a meeting where the Member is present:

- a. disclose the general nature of the Member's interest prior to any consideration of the matter in the meeting; .
- b. refrain from participating in the discussion of the matter or in any vote on the matter; and
- c. refrain from attempting to influence the voting on the matter or question, before, during or after the meeting.

Members have important ethical and statutory obligations to adhere to the steps outlined above to ensure avoidance of any conflict of interest in connection with carrying out the obligations of the Member's office.

While the Integrity Commissioner may provide general interpretation of the MCIA, it is expected that Members seek independent legal advice on a specific question of individual compliance with the MCIA.

### **4.3 Confidential Information**

Members have a duty to hold in strict confidence all information concerning matters dealt with at In-Camera meetings (meetings closed to the public). Members shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the In-Camera deliberations to anyone, unless expressly authorized by Council or required by law to do so.

Members shall not release information in contravention of the provisions of the MFIPPA.

Members shall not release information subject to solicitor-client privilege, unless expressly

authorized by Council or required by law to do so.

Members shall not misuse confidential information (information that they have knowledge of by virtue of their position as a Councillor, Board or Committee Member that is not in the public domain, including e-mails and correspondence from other Members of Council, Board or Committee Member or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.

#### **4.4 Release of Information to Public and Media**

Members acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as Head of Council, or by his/her designate.

#### **4.5 Acceptance of Gifts**

The stipend paid to each Member is intended to fully remunerate Members for service to the Corporation. Members shall not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

Members are not precluded from accepting:

- a. personal gifts, normal hospitality among persons doing business, benefits, rewards, commissions or advantages from any person or organization not connected directly or indirectly with the performance or duties of office;
- b. political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- c. food and beverages at banquets, receptions, ceremonies or similar events;
- d. services provided without compensation by persons volunteering their time;
- e. food, lodging, transportation and entertainment provided by other levels of governments or by other local governments, boards or commissions;
- f. reimbursement of reasonable expenses incurred in performing the duties of office;
- g. reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- h. token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation at an event; or i. gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

Members shall return any gifts or benefits which exceed these limits, along with an explanation why the gifts or benefits cannot be accepted.

#### **4.6 Engaging in Incompatible Activity**

Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties or the public interest.

Without limiting the generality of the foregoing, Members shall not:

- a. use any influence of office for any purpose other than official duties;
- b. act as an agent before Council or any Committee, Board or Commission of Council;
- c. solicit, demand or accept the services of any employee of the Corporation, or any individual providing the services under contract of the Corporation, for re-election purposes during hours in which the employee, or individual providing services under contract, is in the paid employment of the Corporation;
- d. use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e. place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
- f. give preferential treatment to any person or organization in which a Member has a financial interest;
- g. influence any decision or decision-making process of Administration or Council involving or affecting any person or organization in which a Member has a financial interest; or
- h. use the Corporation's materials, equipment, facilities or employees for personal gain or for any private purpose.

#### **4.7 Avoidance of Waste**

Members shall avoid waste, abuse and extravagance in the provision or use of public resources, or any other Corporation property.

#### **4.8 Interpersonal Behaviour**

Members shall be respectful of the fact that staff work for the Corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any Member(s). Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Corporation.

No Member shall compel staff to engage in partisan political activities or be subject to threats or discrimination for refusing to engage in such activities. Nor shall any Member use, or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering with that person's duties, including duty to disclose improper activity.

Members shall be respectful of the fact that staff carry out direction of Council and administer the policies of the Corporation, and are required to do so without any undue influence from any Member.

### **5. Interpersonal Conduct And Communication Requirements**

#### **5.1 General**

Members have important legal responsibilities and accountabilities in connection with the tone and substance of interpersonal interactions, conduct or communications pursued in the context of carrying out the activity of a Member's office.

The purpose of this section of the Code of Conduct and the referenced policies is to ensure that Members governed by this Code of Conduct understand and comply with standards of conduct required by law in terms of their interpersonal interactions, communications and conduct; as well

as the Corporation's Violence and Harassment in the Workplace Policy and Harassment Policy.

The Corporation and Members, as agents of the Corporation, share important obligations in ensuring compliance with required standards of interpersonal conduct and interactions. A failure to adhere to the required standards of interpersonal conduct can expose both the Corporation and individual Members to potential liabilities.

## **5.2 Ontario Human Rights Code**

The OHRC extends equality rights guarantees in the context of employment and the delivery of services. The Corporation is both an employer and service provider. As a result, the interactions and conduct of Members governed by this Code of Conduct generally occur in the context of providing services or interacting with employees.

In connection with such interactions, Members have a legal obligation to ensure adherence to equality rights guarantees. Members have an obligation to ensure that all individuals dealt with are treated with dignity and respect, and not exposed to harassment or discrimination as prohibited by the OHRC.

Members' obligations, in this regard, extend to anyone dealt with in the context of employment or delivery of services including, but not necessarily limited to, the following: other Members, employees of the Corporation, individuals providing services to the Corporation, contractors, students and the public.

### **a. Discrimination**

In accordance with the OHRC, Members shall not discriminate against anyone on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. The terms "age", "disability", "family status", "record of offences", "same-sex partnership status" shall be interpreted as they are defined in the OHRC.

### **b. Harassment**

In accordance with the OHRC, Members shall not expose anyone to conduct representing harassment. Harassment includes engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome.

Without limiting the generality of the definition of "harassment", Members shall not:

- i. make racial, homophobic, sexist or ethnic slurs;
- ii. display pornographic, homophobic, sexist, racist or other offensive or derogatory material;
- iii. make leering (suggestive staring) or other offensive gestures;
- iv. make written or verbal abuse or threats;
- v. vandalize the personal property of others;
- vi. commit physical or sexual assault;
- vii. make unwelcome remarks, jokes, innuendoes or taunting statements about a person's physical appearance, racial background, colour, ethnic origin, place of origin, citizenship, ancestry, creed (religion or belief), sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, disability (physical or mental);

- vii. make unwelcome remarks, insulting gestures or jokes which cause embarrassment or awkwardness;
- viii. refuse to converse or interact with anyone because of their racial or ethnic background, colour, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability;
- ix. make unnecessary or unwanted physical contact, including touching, patting, or pinching; or
- x. demand or request sexual favours.

Harassment which occurs in the course of, or related to, the performance of duties by Members is subject to this policy and the Violence and Harassment in the Workplace Policy and Harassment Policy appended.

### **5.3 Occupational Health and Safety Act**

The OHS Act has identified and prohibited the potential health risk of "personal harassment" or "psychological harassment" in workplaces. The OHS Act has also serious and significant obligations to ensure the removal of the risk, threats, or acts of violence in Ontario workplaces.

#### **a. Personal or Psychological Harassment**

Members must ensure that their interactions, personal communications and conduct are constructive, civil, respectful, and devoid of any content or tone that would constitute "personal harassment" or "psychological harassment".

Personal and Psychological Harassment includes unwelcome words and/or actions that are known, or should have been known, to be embarrassing, humiliating or demeaning. Such conduct can include, but is not limited to, the following:

- i remarks, jokes, comments or innuendo that demean, ridicule, intimidate or offend;
- ii bullying;
- iii repeated offensive or intimidating phone calls, e-mails or verbal outbursts;
- iv yelling, screaming or rude, demeaning remarks;
- v volatile displays of temper or anger; and
- vi exposing people to foul, abusive or obscene language.

Members are required to ensure that they interact and communicate in a manner that is respectful and consistent with the well-being of those they deal with. Members must ensure that their interactions and communications are free of any conduct that would be considered personal or psychological harassment.

#### **b. Violence**

Members must ensure that they avoid any interactions, communications or conduct with employees that would constitute "Workplace Violence". Employees of the Corporation have significant rights and recourses if exposed to any threat of violence or act of violence in connection with work or work related activity including conduct by or interactions with Members.

Workplace violence is defined as the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker. To appreciate the broad nature of the definition of violence, it is important to understand that violence includes the following:

- i attempts to exercise force that could cause physical injury (does not have to cause injury); and
- ii statements or behaviour that could reasonably be interpreted as a threat to exercise physical force (verbal threats will constitute violence).

Examples of violence include:

- i verbal threats, attacks or physical conduct;
- ii threatening notes, e-mails, or voice mail communications;
- iii shaking a fist or other threatening physical gestures; and
- iv wielding an object as a weapon at an individual.

Members are required to ensure that they avoid any interactions, conduct, communications, or gestures that would constitute violence or a threat of violence.

## **5.4 Municipal Elections Act**

Members are required to follow the provisions of the MEA.

No Member shall use the property, facilities, equipment, supplies, services or other resources of the Corporation (including Councillor newsletters, telephone system and Councillor websites linked through the Corporation's website) for any election campaign-related activities. No Member shall undertake campaign-related activities on Corporation property. No Member shall use the services of persons during hours in which those persons receive any compensation from the Corporation.

Further guidelines on Member conduct during an election are outlined in the Corporation's Use of Corporate Resources for Election Purposes Policy.

## **6. Compliance, Accountability, And Enforcement**

### **6.1 General**

The Corporation has important obligations and interests in ensuring compliance with the ethical and interpersonal conduct standards required of Members by this Code of Conduct.

The Corporation has an interest and obligation to respond to all allegations, complaints or incidents of alleged conduct inconsistent with the standards outlined in this Code of Conduct (and the Violence and Harassment in the Workplace Policy) in a manner consistent with the interests and legal obligations of the Corporation.

The Corporation recognizes that the Corporation and the Members have a mutual interest in providing and encouraging access to compliance/enforcement mechanisms in connection with

the conduct required by this Code of Conduct that deliver objective, independent, skilled and efficient determinations in connection with alleged misconduct by any Member.

## **6.2 Integrity Commissioner**

The Corporation shall appoint an Integrity Commissioner pursuant to Section 223.3(1) of the Municipal Act to inquire into and determine any alleged non-compliance with the standards of conduct defined in the Code of Conduct by a Member.

The referral of alleged breaches of the Code of Conduct to the Integrity Commissioner under this Code of Conduct does not preclude the rights of potential claimants/complainants at law or pursuant to Corporation policies.

The function of the Integrity Commissioner is to provide advice and opinion to Council and Members thereof, to provide independent complaint prevention, investigation, adjudication, and resolution to Members of Council and the public, and education respecting adherence with the Code of Conduct and other procedures, rules, and policies governing ethical behavior. The Integrity Commissioner shall perform the duties and have the powers provided for in the Municipal Act, including but not limited to the following:

### **a. Advisory**

Upon proper request, provide written and/or verbal advice to individual Members of Council respecting the application of the Code of Conduct and/or any other procedures, rules, and policies relating to and reflecting upon their ethical behavior, including but not limited to general interpretation of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, and furthermore and when appropriate, providing the full Council with specific and general opinions and advice respecting compliance by elected officials in respect of the provisions of governing statutes the Code of Conduct and any other applicable procedures, rules, and policies.

### **b. Compliance Investigation/Determinations**

Upon proper request from a Member of Council, Committee or Local Board, Administration or one or more members of the public, to conduct an inquiry and make a determination as to any alleged contravention of the Code of Conduct or applicable procedures, rules, and policies by a Member of Council, Committee or Local Board and, thereafter, to report the details and results of such inquiry to Council.

### **c. Educational**

Provide the Chief Administrative Officer, with an annual report, or as directed, of activities during the previous calendar year as Integrity Commissioner, including but not necessarily limited to advice given to Council or individual Members of Council and a summary of inquiry results and determinations. Furthermore, provide outreach programs to Members of Council, Committees, Local Boards and relevant staff on legislation, protocols, and office procedures emphasizing the importance of compliance with a Code of Conduct for public confidence in Municipal Government and, furthermore, dissemination of information available to the public on the Corporation's Website.

### **6.3 Informal Complaint Procedure for Complainants**

Individuals (for example, municipal employees, members of the public, Members of Council, Committees or Local Boards), or organizations who have identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct may address the prohibited behaviour or activity themselves as follows.

- a. Advise the Member that the behaviour or activity contravenes the Code of Conduct.
- b. Encourage the Member to stop the prohibited behaviour or activity.
- c. Keep a written record of the incident(s) including dates, times, locations, other persons present and any other relevant information.
- d. Tell someone else (for example, a senior staff member or an officer of the organization) about your concerns, your comments to the Member and the response of the Member.
- e. If applicable, advise the Member of your satisfaction with their response or, if applicable, advise the Member of your dissatisfaction with their response.
- f. Consider the need to pursue the matter in accordance with the formal complaint procedure or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

### **6.4 Formal Complaint Procedure for Complainants**

Individuals (for example, municipal employees, members of the public, Members of Council, Committees or Local Boards), or organizations who have identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct may file a formal complaint and request an investigation by executing the following steps.

- a. The complainant shall submit the complaint in writing by filling out the appended Affidavit (Appendix 1) and submitting it to the Clerk or the Integrity Commissioner. The Affidavit must be signed by an identifiable individual. The original "affidavit" must be accompanied by a \$25 filing fee payable to the Municipal Corporation.
- b. The Affidavit shall set out reasonable and probable grounds for the allegation that the Member has contravened the Code of Conduct and set out the evidence in support of the complaint.
- c. A Complaint Procedure Information Package shall be available at the Clerk's office.

### **6.5 Complaint Procedure for the Corporation**

In all circumstances where the Corporation becomes aware of an allegation that a Member has engaged in any prohibited activity or breached any standard of conduct outlined in this Code of Conduct, whether by informal communications or formal complaints, the matter will be addressed as follows.

- a. All complaints must be submitted in the form of the appended "Affidavit" to the Integrity Commissioner or the Clerk.
- b. Affidavits submitted to the Clerk will be directed to the Integrity Commissioner.
- c. The Integrity Commissioner shall conduct an inquiry to determine whether the Member has engaged in conduct in contravention of the Code of Conduct.

- d. In planning and pursuing the relevant inquiry the Integrity Commissioner may proceed consistent with the procedural aspects of any policies addressing the subject of the alleged infringement and exercise his/her powers under Section 33 and Section 34 of the PIA.
- e. The inquiry pursued by the Integrity Commissioner shall be an independent inquiry; the inquiry will be independent of the Corporation or any of its agents, employees or members.
- f. Where the Integrity Commissioner determines that he/she has reasonable grounds to believe that there has been a contravention of any other act or the Criminal Code, the Integrity Commissioner shall refer the matter to the appropriate authority, suspend his/her inquiry and report the suspension to Council. In these circumstances Council will pursue the necessary steps to ensure that the matter is addressed consistent with the Corporation's obligations at law and any relevant policies of the Corporation.

## **6.6 Opportunity for Resolution**

Following the receipt of a formal complaint or during the investigation process, if at anytime the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be made to achieve informal resolution.

## **6.7 Investigation**

- a. If the Integrity Commissioner determines that a formal investigation is required he/she shall proceed in the following manner, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under Section 33 and Section 34 of the PIA.
- b. The Integrity Commissioner shall provide a copy of the complaint and any supporting materials to the Member whose conduct is in question with a request that a written response to the allegation be provided to the Integrity Commissioner within fourteen (14) days.
- c. The Integrity Commissioner shall give a copy of the response provided by the Member to the complainant with a request for a written reply within fourteen (14) days.
- d. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any Municipality work location relevant to the complaint for the purpose of investigation and potential resolution.
- e. The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.
- f. At any time, the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his/her investigation.

## **6.8 Recommendation Report**

- a. Upon completion of an investigation, the Integrity Commissioner shall report to the complainant and the Member on the results of his/her review within ninety (90) days of receiving a complete Affidavit. If the investigation process is going to take more than ninety (90) days, the Integrity Commissioner shall provide an interim report to the complainant and Member indicating when the complete report will be available.
- b. If during the investigation process, the complaint is withdrawn, sustained or resolved, the Integrity Commissioner shall report to Council outlining the findings, the terms of any resolution and any recommended action within thirty (30) days.

- c. If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code of Conduct has occurred, the Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty, as set out in the Municipal Act, of a reprimand and/or suspension of remuneration paid to the Member for a period of up to ninety (90) days.
- d. If upon completion of the investigation, the Integrity Commissioner finds that there has been no contravention of the Code of Conduct, or that a contravention occurred, however, the Member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in his/her report to Council.

## **6.9 Duty of Council**

- a. The Council shall consider the report of the Integrity Commissioner within thirty (30) days of it being received by the Clerk and shall take the action it considers appropriate with regard to the recommendation(s) of the Integrity Commissioner.
- b. In circumstances where the alleged breach of trust or other misconduct is serious in nature, Council may pass a resolution, pursuant to the Municipal Act, requesting a judicial investigation into the Member's conduct.

## **6.10 Complaints or Reports Prior to Election**

- a. No complaint regarding a Member who is a candidate in an election may be accepted by the Integrity Commissioner for review and/or investigation between Nomination Day and the date of the inaugural meeting of Council in any year in which a regular municipal election will be held. The Integrity Commissioner shall hold such complaint in abeyance until December 1st in a regular election year and advise the complainant of this process. The time elapsed between Nomination Day in a regular election year and the inaugural meeting of the newly elected Council shall not be included in the time calculation referred to in paragraph 6.8.
- b. Notwithstanding paragraph 6.8 of the Code of Conduct, the Integrity Commissioner shall not make any report to the Council or a Committee thereof or to any other person after Nomination Day in any year in which a regular municipal election is to be held.
- c. Any reports would proceed to the first Regular Council Meeting held after the inaugural meeting of the new Council.

## **6.11 Confidentiality of Complaint Documents**

- a. The Integrity Commissioner and every person acting under his/her instructions shall preserve the confidentiality of all documents, material or other information, whether belonging to the Municipality or not, that come into their possession or to their knowledge during the course of their duties as required by section 223.5 of the Municipal Act.
- b. Pursuant to section 223.5(3) of the Municipal Act, this section prevails over the MFIPPA.
- c. In the Integrity Commissioner reports to the Council on an investigation into an alleged breach of the Code of Conduct, the report shall only disclose such information that in the Integrity Commissioner's opinion, is required for the purposes of the report.
- d. If the Integrity Commissioner issues an annual or other periodic report to Council on his/her activities, the Integrity Commissioner shall summarize the advice he/she has given but shall not disclose confidential information that could identify a person concerned.

## **6.12 Penalties**

Penalties imposed in connection with breaches of the Code of Conduct pursuant to the Code of Conduct may include:

- a. a written reprimand; and/or suspension of remuneration paid to a Member with respect to services up to ninety
- b. (90) days (section 223.4(5) of the Municipal Act).

## **6.13 Conduct Investigation Refusal**

- a. If the Integrity Commissioner is of the opinion that the referral of a matter to him/her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- b. Complaints referred that are repetitious in nature, not germane to the Code of Conduct in the opinion of the Integrity Commissioner, deemed frivolous and without substance in the opinion of the Integrity Commissioner, or, where the complaint is deemed vexatious in the opinion of the Integrity Commissioner, complaints shall not be advanced to an investigation stage.
- c. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council or a Local Board on any complaint described in subsections (a) and (b) except as part of an annual or other periodic report.

## **6.14 Other Avenues of Complaints**

While the Corporation encourages and supports the use of the Integrity Commissioner as the means of addressing any issues of non-compliance with the Code of Conduct by Members, the Corporation has an obligation and commitment to support complainants or potential complainants' use of the following avenues of complaint.

- a. Complainants have the right to the procedures committed to in the Corporation's relevant policies for harassment, discrimination and violence.
- b. Complainants have the right to file complaints with the Ontario Human Rights Tribunal (in connection with human rights allegations).
- c. Complainants have the right to file complaints with the Ministry of Labour (in connection with allegations of violence, threats of violence or personal harassment).
- d. Complainants have the right to bring a matter to the Ontario Provincial Police to pursue an investigation under Section 122 of the Criminal Code of Canada where allegations of fraud, of breach of trust or of a Member's involvement with demands for, acceptance of, offering of or agreement to accept a loan, reward, benefit or other advantage from any person, are made in connection with a Member carrying out the duties of office.

## **6.15 Judicial Investigation**

In circumstances where liability is denied and the alleged misconduct is serious in nature, Council may pass a resolution, pursuant to section 274(1) of the Municipal Act, requesting a judicial investigation into the Member's conduct.

## **7. Summary**

The Corporation and all Members of Council share an important interest and responsibility in ensuring that the standards of conduct required under this Code of Conduct are understood,

maintained and, where necessary, enforced by holding Members accountable.

The standards reflect the ethical and legal context in which the Corporation and Members must deliver services to the community served by the Council and Members.

Deviations from the standards of conduct outlined in this Code of Conduct leave the Corporation, Council and individual Members exposed to the following:

- a. reputational risk;
- b. loss of credibility in the community; and
- c. risks of significant liabilities.

All Members are expected to be knowledgeable of the contents of this Code of Conduct and to adhere to the standards of conduct defined in the Code of Conduct.

# Appendix 1 - AFFIDAVIT

## Code of Conduct Complaint Protocol — Formal Complaint Procedure

Note: Signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46, and also to civil liability for defamation.

AFFIDAVIT OF:(full name) \_\_\_\_\_

I, \_\_\_\_\_ (full name) of the (City, Municipality, etc.)  
\_\_\_\_\_ in the Province of Ontario

Make Oath and Say (Or Affirm):

1. I have personal knowledge of the facts as set out in this affidavit, because

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(reasons i.e. I work for..... I attended the meeting at which. .... etc.).

2. I have reasonable and probable grounds to believe that a member of Municipality of South Huron Council, \_\_\_\_\_ (specify name of member), has contravened section(s) \_\_\_\_\_ (specify section(s)) of the Code of Conduct for Members of Council, Committees and Local Boards [Code of Conduct]. The particulars of which are as follows:

(Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached page 2 of the form. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this affidavit.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

Sworn (or affirmed) before me at the \_\_\_\_\_ of \_\_\_\_\_, in the Province of Ontario on \_\_\_\_\_, 20\_\_\_\_.

Date

\_\_\_\_\_  
Complainant Affidavit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner for taking affidavits, etc.

\_\_\_\_\_  
Date

\_\_\_\_\_ \$25 filing fee enclosed

AFFIDAVIT

Code of Conduct Complaint Protocol — Formal Complaint Procedure

Note: signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46, and also to civil liability for defamation.

To the affidavit required under subsection 2(3) of the Formal Complaint Procedure (If more than one page is required, please photocopy this blank page and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.)

Multiple horizontal lines for writing the affidavit content.

This is page 2 referred to in the affidavit of \_\_\_\_\_ (full name)

Sworn (or affirmed) before me at the \_\_\_\_\_ of \_\_\_\_\_, in the Province of Ontario on \_\_\_\_\_, 20\_\_.

Date

\_\_\_\_\_  
Complainant Affidavit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner for taking affidavits, etc.

\_\_\_\_\_  
Date

\_\_\_\_\_ \$25 filing fee enclosed

\*Personal information on this form is collected under the authority of Section 239 of the Municipal Act, 2001 (as amended) [Act] and will be used only for the purpose of carrying out an investigation under the Act.