

Appendix 2

Relevant Provisions of the *Code of Conduct Complaint Protocol (Restricted Definition)* and the *Code of Conduct for Members of Local Boards*

Code of Conduct Provisions:

Part II of the *Code of Conduct for Local Boards (Restricted Definition)* provides as follows:

This *Code of Conduct* operates along with and as a statement of the existing supplement to the existing statutes governing the conduct of members of local boards. The following provincial legislation govern the conduct of members:

- *The City of Toronto Act, 2006* and, where applicable, Chapter 27, ‘Council Procedures of the Municipal Code (the Council Procedures By-law) passed under section 189 of that Act;
- the *Municipal Conflict of Interest Act*; and
- the *Municipal Freedom of Information and Protection of Privacy Act*

The *Criminal Code of Canada* also governs the conduct of members of local boards.

Part III of the *Code of Conduct for Local Boards (Restricted Definition)* provides as follows:

This *Code of Conduct* applies to members of local boards other than adjudicative boards.

Article VIII of the *Code of Conduct* reads:

No member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties as a member of the local board.

Examples of prohibited conduct are: the use of one’s status as a member of a local board to improperly influence the decision of another person to the private advantage of oneself, or one’s parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of others (similar to constituents of a Member of Council) as part of their official duties as a member of the local board. Also prohibited is the holding out of the prospect or promise of future advantage through a member’s supposed influence within the local board or at the City, in return for present actions or inaction.

For the purposes of this provision, “private advantage” does not include a matter:

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- (a) that is of general application;
- (b) that affects a member, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- (c) that concerns the remuneration or benefits of a member.

Article X of the *Code of Conduct* reads:

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 local board and to the City.

The *Code of Conduct Complaint Protocol for Members of Local Boards (Restricted Definition)* including *Adjudicative Boards Provisions*

Part B

1. (1) A request for an investigation of a complaint that a member has contravened the *Code of Conduct* (the “complaint”) shall be in writing.

(2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).

(3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the *Code of Conduct* and include a supporting affidavit that sets out the evidence in support of the complaint.

For example, the complaint and supporting affidavit should include the name of the alleged violator, the provision allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

2. (1) The request shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the *Code of Conduct* and not covered by other legislation or other Council or Board policies as described in subsection (3).

(3) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the *Code of Conduct* or the complaint is covered by

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other legislation or a complaint procedure under another Council or Board policy, the Integrity Commissioner shall instruct the City Clerk to advise the complainant in writing as follows:

- (b) if the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with the complainant's own legal counsel.
 - (4) The Integrity Commissioner may report to Council or the Board that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
3. (1) If the Integrity Commissioner is of the opinion that the referral of a matter to him or 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.
- (2) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council or a Board on any complaint described in subsection (1) except as part of an annual or other periodic report.