

# Administrative Penalty Tribunal

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August 28, 2017

## Outline

1. Role of the Integrity Commissioner.
2. Your role as public office holders.
3. The standards of conduct.
4. Scenarios.
5. Tips and questions.



**INTEGRITY**  
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# Role of the Integrity Commissioner

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- The IC is independent from City Council and from City administration.
- One of four Accountability Officers.
- Duties:
  - Confidential, binding advice to individual members of council and local boards about compliance with standards of conduct.
  - General confidential advice about compliance with the *MCIA*.
  - Education and Outreach to all entities within jurisdiction.
  - Policy advice to City Council as a whole or local boards.
  - Investigations in accordance with the complaint protocol into allegations that a standard of conduct has not been met.
- IC's role will be enhanced when Bill 68 comes into force:
  - Specific advice regarding *MCIA*.
  - Investigations into allegations that the *MCIA* has been contravened.

# Your role as public office holders

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- The Administrative Penalty Tribunal is an Adjudicative Board.
- Board members are public office holders.
- Board members have duties and accountabilities to the Administrative Penalty Tribunal and to Council.
- Council and the public expect board members to adhere to high standards of conduct:
  - Board members must act in accordance with the high standards of conduct for public office, not private business.
  - Board members must concern themselves with promoting trust and confidence in the Board – a proactive action.
  - It is no longer sufficient in 2017 for public office holders to merely follow the rules.

# Sources of the Standards of Conduct for Members of Adjudicative Boards

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- Code of Conduct
  - Approved by Council, applicable to appointees of all Adjudicative Boards, such as the Administrative Penalty Tribunal
- *Municipal Conflict of Interest Act*
  - Provincial legislation applicable to all municipalities in Ontario
  - Deals with voting at meetings
  - IC can provide general advice but not legal advice
- Board and City policies
  - Code requires that members observe the terms of policies and procedures established by the Board or City Council

# Code of Conduct for Members of Adjudicative Boards

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- The Administrative Penalty Tribunal is an Adjudicative Board.
- A unique Code of Conduct for Adjudicative Boards was adopted in July 2008.
- Modelled after the main Code of Conduct for Members of Council.
- Available on the website of the Office of the Integrity Commissioner [www.toronto.ca/integrity](http://www.toronto.ca/integrity).

# Preamble and principles

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- “the public is entitled to expect the highest standards of conduct from members of Council and the citizen members” appointed to Local Boards by Council to act on its behalf
- Principles:
  - Members must serve and be seen to serve in a conscientious and diligent manner
  - Perform functions with integrity and **avoid improper use of influence, conflicts of interest, apparent and real**
  - Arrange private affairs in a manner that **promotes public confidence and will bear close public scrutiny**
  - Uphold both the letter and spirit of the law

# Code of Conduct duties

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- Members cannot accept **gifts or benefits** connected directly or indirectly with duties unless an exception applies. (Article IV)
  - Special caveat for adjudicative board members.
- Members must **preserve confidential information** and **refrain from using confidential information** for personal or private gain. (Article V)
- Members must not **communicate** privately with parties or representatives. (Article VI)
- Members shall refer all **media contacts** to the Chair. (Article VII)



# Code of Conduct duties

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- Members must ensure **proper use of board city property, services and resources.** (Articles VIII and IX)
  - That is, members cannot use Board resources for personal or business-related purposes or to support candidates in any election campaign.
- Members must use the **influence** of their office only for the exercise of official duties. (Article X)
  - Not to advance personal or private interests
- Members must not act as a **paid agent** before an agency, board or commission of the City and its committees. (Article XI)
- Members cannot allow **the prospect of their future employment** to detrimentally affect the performance of their duties. (Article XII)

# Code of Conduct duties

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- Members must treat staff, each other and the parties with **respect and act with decorum.** (Article XVII)
- Members must respect the role of staff. (Article XIV)
- There can be **no lobbying** of members in relation to matters that are before or will come before the Administrative Penalty Tribunal. (Article XIII)
- Members must **adhere to board and city policies.** (Article XVIII)

# Code of Conduct duties

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- **Independent** Nature of Adjudicative Boards (Article XVI)
  - Boards are arms-length, quasi-judicial in nature.
  - Members should refrain from seeking advice about their roles from members of City Council.
  - Members should not request Community Councils or other legislative bodies to intervene on applications considered by the Administrative Penalty Tribunal.

# Note

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These slides provide a high level overview of the standards of conduct but do not replace or modify the Code of Conduct.

# Cooling off period

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Former senior public office holders shall not lobby current public office holders during the 12 months after the date he or she ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health.

(Lobbying Bylaw s. 140-9)

# Sample advice and cases

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- See 2016 Annual Report for scenarios such as:
  - Declaring a conflict and recusal when a matter involves provision of personal services to the board/organization.
  - The requirement to demonstrate respect for Board and City staff.
  - Ensuring that influence as a board member (i.e. title) is not used to support a candidate in an municipal election.

# Scenarios

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- After concluding a hearing, you return to your car. The applicant from the matter you just heard is waiting for you in the parking lot. She approaches you to ask whether she could clarify something she said during the hearing.
  - Are you prepared to handle this situation? How?
- A staff person from a Councillor's office makes submissions before you during a hearing. You run into the staff member the following day in the cafeteria.
  - Can you speak to the staffer? What parts of the Code of Conduct can guide your actions?

# Our common goals

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- Improve public administration.
- Protect the reputation and integrity of the City of Toronto.
- Protect the reputation and integrity of the Administrative Penalty Tribunal.
- Increase trust in Toronto's local government and respect for public service.



# Practical tips

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- **It's not personal.**
- **Seek advice:** Article XX of the Code states, “Any written advice given by the IC to a member binds the IC in any subsequent consideration of the conduct of the member in the same manner as long as all the relevant facts known to the member were disclosed to the IC.”
- **Help your colleagues by pointing out possible issues in a respectful way. Be open to discussions about the Code of Conduct. Listen to your colleagues and City staff – and seek advice.**
  - **Sometimes, the best advice is to seek advice.**

Office of the  
**INTEGRITY** COMMISSIONER

Thank you for your attention.  
Let's stay in touch.

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