



Policy G04 - Board Member Obligations

Purpose

1. Board members oversee how policing is provided in Halton Region by collectively receiving, questioning and assessing information and reports provide to them by the Chief of Police and others, to make strategic decisions intended to ensure that policing actions and results in Halton Region are congruent with community needs, values and expectations, and comply with federal and provincial law.
2. Service as a member of the Halton Police Board is a privilege rather than a right and must be seen and accepted as such.

Requirements

3. Board members are obligated, by virtue of their appointments and oaths, to:
 - 3.1 uphold their duty for public safety for all in Halton Region by remaining supportive of all decisions made by the Halton Police Board, whether or not they voted in favor of them;
 - 3.2 uphold and abide by federal and provincial laws and regulations, as well as the by-laws, policies and decisions of the Board;
 - 3.3 comply with the Code of Conduct for Members of Police Services Boards and the Conduct, Confidentiality and Conflict of Interest provisions of the Procedural By-law;
 - 3.4 actively participate in Board orientation and police governance education and training opportunities;
 - 3.5 actively prepare for and contribute to fulfilment of the Board's job description (refer to Policy G02) through participation in Board meetings and active contribution towards Board decisions;
 - 3.6 refrain from engaging in activities or communications that pre-empt, obstruct or otherwise draw Board attention away from fulfilment of the Board's purpose and methodology; and
 - 3.7 refrain from using any Board or Service resources including facilities, equipment, supplies, services, staff or any resource that belongs to or is funded by the Board, for election campaign or any campaign-related purposes.

Reporting and Evaluation

4. Alleged Board Member Code of Conduct breaches shall be referred to the Inspector General of Policing who may decide to appoint an Investigator to investigate the matter which, based on sufficient evidence of misconduct, may lead to the Inspector General:
 - 4.1 reprimanding the member of the Board;
 - 4.2 suspending the member of the Board for a specified period or until the member has complied with specified conditions; or
 - 4.3 removing the member from the Board.
2. Minor Board Member policy breaches will be addressed by the Chair. Major policy breaches will be discussed by the Board which shall determine whether Member training, reprimand and/or referral to the Inspector General of Policing is in order.
3. The Board will annually evaluate Board Members' performances, and duly consider any recommendations made by the Inspector General of Policing, with a view to continuously improving police governance in Halton Region.

Attachments:

Ontario Regulation 421/23 - Code of Conduct for Police Service Board Members
Board Member Performance Evaluation Form and Process

Legislative Reference:

CSPA, sections 35, 37-41, 43, 102(4), 106,

Ontario Regulation 408/23 - Code of Conduct for Members of Police Service Boards.

Procedural By-law

O.Reg. 408/23 - CODE OF CONDUCT FOR MEMBERS OF POLICE SERVICE BOARDS

3. (1) A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public's trust in the police service board or the police service maintained by the police service board.

(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, their conduct was in the good faith performance of their duties as a board member.
4. A member of a police service board shall comply with the Act and the regulations made under it.
5. A member of a police service board shall not, by act or omission, conduct themselves in a manner that is likely to cause the board to fail to comply with the Act or the regulations made under it.
6. A member of a police service board shall comply with any rules, procedures and by-laws of the police service board.
7. A member of a police service board shall not substantially interfere with the conduct of police service board meetings.
8. A member of a police service board contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) that was committed after they were appointed as a member of the police service board.
9. (1) A member of a police service board shall not, in the course of their duties, treat any person in a manner that the member, at the time, knows or reasonably ought to know would contravene the *Human Rights Code*.

(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.
10. (1) A member of a police service board shall conduct themselves in a professional and respectful manner in the course of their duties including, without limitation, not using abusive or insulting language in the course of their duties.

(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.

Statements and Attendance

11. A member of a police service board shall not knowingly make false statements pertaining to the duties of a member of a police service board.
12. A member of a police service board shall not purport to speak on behalf of the police service board unless authorized by the board to do so.

13. A member of a police service board shall clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the police service board, the police service maintained by the board or a member of the police service.

14. A member of a police service board shall not access, collect, use, alter, retain, destroy or disclose to any person information that has been obtained by or made available to the member in the course of their duties if doing so would be contrary to law.

15. (1) A member of a police service board shall not disclose to the public information obtained or made available in the course of the member's duties except as authorized by the police service board or as required by law.

(2) Subsection (1) does not apply to information that was already made available to the public by a person who was authorized to do so prior to the member's disclosure.

16. A member of a police service board shall attend all police service board meetings unless able to provide a reasonable explanation for the absence.

Misconduct and Conflicts of Interest

17. A member of a police service board shall disclose any conduct of another member of the police service board that the member reasonably believes constitutes misconduct,

(a) to the chair of the board; or

(b) if the misconduct involves the chair, to the Inspector General.

18. (1) A member of a police service board shall disclose any charges laid against them under the *Criminal Code (Canada)*, the *Controlled Drugs and Substances Act (Canada)* or the *Cannabis Act (Canada)* and any finding of guilt made in relation to those charges.

(2) Subsection (1) only applies to charges or findings that were made after the member's appointment to the police service board.

(3) The disclosure required by subsection (1) must be made to the person or body that appointed the individual as a member of the police service board or, in the case of a member appointed by the Lieutenant Governor in Council, to the Minister.

19. A member of a police service board shall not apply for employment with the police service maintained by the police service board unless they resign from the board before applying.

20. (1) A member of a police service board shall promptly disclose any conflict of interest,

(a) to the chair of the board; or

(b) if the conflict of interest involves the chair, to the Inspector General.

(2) After making the disclosure required by subsection (1), the member shall disclose the conflict at the next meeting of the police service board.

21. A member of a police service board shall not use their position as a police service board member to,

- (a) benefit themselves;
- (b) benefit one or more persons with whom they have a personal relationship; or
- (c) interfere with the administration of justice.

22. A member of a police service board shall not participate in discussion of or voting with respect to matters at police service board meetings if the member has a conflict of interest in the matter.

CONFIDENTIAL WHEN COMPLETE

Board Member Performance Evaluation Form & Process

Process Notes:

1. Each January, the CGO shall invite all 7 Board members to complete on-line surveys (e.g. SurveyMonkey) regarding each Board member and featuring the evaluation form below.

2. Each member shall complete the six on-line surveys regarding their peers, by end-January. **Unobserved competencies should not be scored.**

3. The CGO shall compile the survey results for each Board member, and distribute all result to all Board members for the February Board-only meeting.

4. The Board shall discuss the results at the February Board-only meeting.

Board Member: _____

Year: _____

Part A - Fulfills Police Board Member Obligations (Policy G04)

	Seldom	Usually	Always
1. Upholds and abides by the laws, regulations, by-laws, policies and decisions of the Board			
2. Complies with the Code of Conduct for Members of Police Services Boards and the Conduct, Confidentiality and Conflict of Interest provisions of the Procedural By-law			
3. Actively participates in Board orientation and police governance education and training opportunities			
4. Actively prepares for and contributes to fulfilment of the Board's job description (refer to Policy G02)			
5. Refrains from engaging in activities or communications that pre-empt, obstruct or otherwise draw Board attention away from fulfillment of the Board's job description			
6. Refrains from engaging in activities or communications that pre-empt, obstruct or otherwise draw Board attention away from fulfillment of the Board's job description			

Part B - Applies Police Governance Principles (Policy G03 – Governance Methodology)

	Seldom	Usually	Always
1. Serves the public interest before and above all else.			
2. Contributes to governance leadership and focus on the intended outcomes of policing in the jurisdiction.			
3. Respects in all ways the clear role distinction of Board as governors and the Chief of Police as the top manager of the Service.			
4. Encourages and respects diversity of viewpoints.			
5. Deliberations and contributes to decision-making that is primarily forward-looking, while having regard for the past and present.			
6. Deliberations and contributes to decision-making that is strategic, proactive; informed by statistical results and trends (community needs) and stakeholder views (community values and expectations)			
7. Contributes to decision-making collaboratively rather than imposingly.			

Part C - Demonstrates Police Board Member Competencies

	Under-developed	Developed	Well Developed
1. Understands the public safety sector in which the police service operates, including the needs, values and expectations of the community. Understands the strategic plan and the respective roles of the executive team in implementing the plan.			
2. Understands own responsibilities, accountabilities and liabilities as a director and board member. Is knowledgeable of best practice principles associated with board structure and board processes as set out by the SOLGEN, the AG and ongoing research.			

3. Can read and interpret financial statements and reports.			
4. Can identify and diminish group think tendencies and recognize decision-making and unconscious biases in board discussions.			
5. Makes decisions and seeks outcomes by consistent application of a logical sequence of steps.			
6. Makes connections between apparently separate issues, seeing patterns, trends, or relationships and developing mental frameworks to explain and interpret information.			
7. Maintains own convictions despite undue influence, opposition or threat.			
8. Values diverse opinions and builds views and opinions with knowledge gained from others.			
9. Based on limited information, retains a positive outlook when the group is unable to resolve an issue or reach a conclusion and is willing to make a risk-adjusted decision when the outcomes are uncertain. Seeks decisions that optimize the relationship between risk and reward.			
10. Applies common sense, measured reasoning, knowledge and experience to come to a conclusion and/or decision.			
11. Demonstrates integrity and ethical decision-making characteristics. Trustworthy and conscientious and can be relied upon to act and speak with consistency and honesty.			
12. Accurately assesses strengths and weaknesses of self and of others and can manage them successfully.			

13. Invests time learning about new approaches to governance, innovation and disruption in the organization and society.			
14. Ensures conflict is resolved with justice and fairness in order to maintain and/or restore healthy relationships.			
15. Gives and receives information with clarity, attentiveness, understanding and perception.			
16. Ability consensus-build among board members and stakeholders (management, council, police association, community groups) in negotiating and impacting at the organizational and board/council levels.			

How might the Board Member improve their performance?