



**Severn Sound Environmental Association**

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**CODE OF CONDUCT**

FOR MEMBERS OF THE SEVERN SOUND  
ENVIRONMENTAL ASSOCIATION (SSEA)  
BOARD OF DIRECTORS

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**PART 1: PREAMBLE**

Members have important obligations and responsibilities to those they represent, service and interact with in connection with carrying out the roles and duties as members of the SSEA Board and of the executive positions they may hold. SSEA Board Members are representatives of, usually elected by, their respective municipalities and as such, will be held accountable to their respective municipal code of conduct. Mayors and Deputy Mayors will also be accountable under the County of Simcoe Code of Conduct. Any members of committees of the Board (including advisory and technical) including staff and public, will be expected to conduct the business of the committee in accordance with the SSEA Board Code of Conduct. In the event a conflict between Municipal Council and SSEA Code of Conduct, the Municipal Council Code of Conduct shall take precedence.

## **CODE OF CONDUCT FOR BOARD MEMBERS OF THE SEVERN SOUND ENVIRONMENTAL ASSOCIATION**

The purpose and intent of this Code of Conduct is as follows:

- i. To establish guidelines for ethical conduct required of Members;
- ii. To establish guidelines to encourage and ensure interpersonal conduct, communications and interactions consistent with legal requirements (i.e. Occupational Health and Safety Act, Ontario Human Rights Code); and
- iii. To provide mechanisms to ensure accountability and compliance with the required ethical and interpersonal conduct standards of this Code of Conduct.

### **PART 2: DEFINITIONS**

- 2.1 "Board" shall mean the appointed officials who constitute the Severn Sound Environmental Association Board.
- 2.2 "Censure" means an official expression of disapproval or condemnation.
- 2.3 "Closed Meeting" shall mean a meeting or part of a meeting of the Board not open to the public in accordance with the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
  - 2.3.1 This may also be referred to as "in-camera"
- 2.4 "Committee" shall mean an Advisory Board or Committee established by the SSEA Board.
- 2.5 "Complaint" shall mean an alleged violation of this Code.
- 2.6 "Confidential Information" includes information in the possession of the SSEA that the SSEA is prohibited from disclosing under the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, 2004 and other applicable legislation. Confidential Information also means any information that is of a personal nature to SSEA employees or clients or information that is not available to the public and that, if disclosed, could result in loss or damage to the SSEA or could give the person to whom it is disclosed an advantage. Confidential Information includes items disclosed or discussed at closed sessions of the SSEA and its Committee meetings.
- 2.7 "Employee" shall mean a person employed by the SSEA, including those employed on personal service contracts and volunteers, but does not include members of the Board.
- 2.8 "Gift" includes any cash or monetary equivalent fee, object of value, service, forbearance, preferential treatment or personal benefit received from a third party.
- 2.9 "Good Faith" shall mean accordance with standards of honesty, trust and sincerity as practiced and understood within the Severn Sound Environmental Association.
- 2.10 "Investigator" shall mean a person appointed by the Board to provide independent and consistent complaint investigation and resolution respecting the application of the Code of Conduct.

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- 2.11 "Immediate Relative" shall mean a parent, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law, as well as, step-relationships.
- 2.12 "Lobby" or "lobby" shall mean to communicate with a member outside of a public process about matters of interest or benefit to the lobbyist and their client business organization. Communication may be about a bylaw or resolution on any matter that requires a decision by the SSEA Board or delegated decision-maker and includes matters regarding policies or programs, the purchase of goods and services and the awarding of contracts, applications for a service grant, planning approval or other licence.
- 2.13 "Media" includes any entity such as radio, television, newspaper, magazine, websites, blogs, social media, twitter feeds or other vehicles for the public dissemination of information.
- 2.14 "Member" means any member of the Board, and includes the Chair, Vice-chair and any member of the public appointed to a committee or advisory board.
- 2.15 "Meeting" shall mean any regular, special or other meeting of the Board.
- 2.16 "Pecuniary Interest" shall mean an interest that has a direct or indirect financial impact or as defined under the Municipal Conflict of Interest Act, as amended.
- 2.17 "Spouse" shall mean the person to whom a Member is married or with whom the Member is living in a conjugal relationship.

**PART 3: APPLICATION**

- 3.1 This Code of Conduct applies to the Chair, Vice-chair and all Members of the SSEA Board and members of the public appointed to its committees and advisory boards.

**PART 4: PURPOSE**

- 4.1 A Member's conduct and behavior in terms of ethics and interpersonal conduct and communications are regulated by legislative acts including but not limited to:
- a. Criminal Code of Canada;
  - b. Human Rights Code;
  - c. Municipal Act, 2001;
  - d. Municipal Conflict of Interest Act;
  - e. Municipal Freedom of Information and Protection of Privacy Act;
  - f. Municipal Elections Act, 1996;
  - g. Personal Health Information Protection Act, 2004;
  - h. The Public Inquiry Act; and
  - i. The Occupational Health and Safety Act.

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**PART 5: GENERAL DUTIES**

- 5.1 All Board members of the Severn Sound Environmental Association stand in a fiduciary relationship to the SSEA. As fiduciaries, Board members must act honestly, in good faith and in the best interests of the SSEA.
- 5.2 It shall be the duty of all Members to abide by all applicable legislation, policies and procedures pertaining to their position as a Member.
- 5.3 Members shall at all times serve and be seen to serve the SSEA in a conscientious and diligent manner.
- 5.4 Members will conduct their dealings with each other in ways that maintain public confidence in the position to which they have been elected or appointed.
- 5.5 Members will be open and honest, focus on issues rather than personalities, and avoid aggressive, offensive or abusive conduct.
- 5.6 Members shall accurately and adequately communicate the attitudes and decisions of the Board even if they disagree with the Board's decision, such that respect for the decision-making process of the Board is fostered.
- 5.7 Members shall conduct themselves at all Board and Committee Meetings with decorum, in accordance with the SSEA Procedural By-law.
- 5.8 In accordance with the Municipal Act, 2001 and the Municipal Conflict of Interest Act, every Member shall exercise his or her power and discharge his or her official duties in accordance with the following guiding principles:
  - a. Seek to advance the common good of the Severn Sound Environmental Association;
  - b. Exercise care, diligence and skill that a reasonably prudent person would exercise in similar circumstances;
  - c. Exercise his or her powers only for the purposes for which they were intended; and
  - d. Truly, faithfully and impartially exercise his or her office to the best of his or her knowledge and ability.

**PART 6: CONFLICT OF INTEREST**

- 6.1 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 the Board in a meeting where the member is present:
  - i. disclose the general nature of the member's interest prior to any consideration of the matter in the meeting;

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- ii. refrain from participating in the discussion of the matter or in any vote on the matter; and,
- 6.2 Each Member must declare the conflict of interest and general nature thereof verbally at the beginning of each meeting. The declaration will be noted in the meeting minutes.
- 6.3 While the Executive Director may provide general interpretation of the Municipal Conflict of Interest Act (MCIA), it is expected that members seek independent legal advice on a specific question of individual compliance with the MCIA.
- 6.4 Members shall be responsible for ensuring that they are familiar with the MCIA. If, upon review by the Executive Director, a complaint is deemed to be a matter covered by the MCIA, the Executive Director shall advise the complainant, with an explanation, in writing, and an investigation may be conducted in accordance with powers and duties of the Integrity Commissioner.

**PART 7: GIFTS AND PARTICIPATION AT EVENTS**

- 7.1 No Member shall solicit or accept any gift or accept or receive a fee, advance, cash or personal benefit that is directly or indirectly connected with the performance of his or her duties of office.;
- 7.2 The SSEA recognizes that moderate hospitality and participation in charitable non-profit fundraising and business events is an accepted facet of community participation and business relationships. Accordingly, the following types of gifts are recognized as exceptions to the prohibition in Section 7.1:
  - a. token gifts such as souvenirs, mementoes and commemorative gifts that are given in recognition of service on a committee for speaking at an event or representing the SSEA at an event;
  - b. food and beverages consumed at lunches, dinners, charity fundraisers, banquets receptions, ceremonies or similar events if the Member's attendance serves a legitimate SSEA purpose;

**PART 8: INTERACTION WITH THE PUBLIC, OTHER MEMBERS & SSEA STAFF**

- 8.1 Mutual respect and cooperation are required to achieve the Board's corporate goals and implement the Board's strategic priorities through the work of staff.
- 8.2 Employees have an obligation to recognize that members of the SSEA Board have been duly elected to serve the residents of their respective municipality (SSEA's municipal partners) and respect the role of the Board in directing the actions of the SSEA.
- 8.3 Members have a duty to treat members of the public, each other and staff with respect and dignity and without abuse, bullying or intimidation;

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- 8.4 Members have a duty to ensure that the SSEA's work environment is safe and free from discrimination and harassment;
- 8.5 Members are to recognize that Employees serve the SSEA and work for the organization under the direction of the Executive Director. The Board directs Employees through the Executive Director by decisions as recorded in the minutes and resolutions of the Board. The role of Employees is to provide advice and services that are based on political neutrality, objectivity and professional judgment which may not necessarily reflect the opinion or position of any single Member. Members have no individual capacity to direct Employees to perform specific functions.
- 8.6 Inquiries of Employees from Members should be directed to the Executive Director.
- 8.7 No Member shall compel Employees to engage in partisan political activities or be subjected to threats, discipline or discrimination for refusing to engage in any such activity.
- 8.8 Members shall show respect for the professional capacities of SSEA Employees. Some Employees have professional credentials which create separate legal and ethical obligations for those Employees. Members shall refrain from any conduct which may deter, interfere or unduly influence Employees in such a manner as to result in them violating their professional legal or ethical obligations.

**PART 9: IMPROPER USE OF INFLUENCE**

- 9.1 No Member shall use his or her office to seek to influence any decision made or to be made by the Board to the Member's private advantage or to the advantage of another person.
- 9.2 No Member shall use his or her office to seek to influence or interfere with the administration or enforcement of the Board's responsibilities, any By-laws or other laws enforced by the SSEA (ex. Source Water Protection). Notwithstanding the foregoing, it is recognized that Members of the Board may in good faith raise the concerns of residents with SSEA Employees for the purpose of determining if those concerns can be resolved having due regard for the public interest in fair and impartial enforcement.
- 9.3 All applicants for SSEA positions shall have an equal opportunity to obtain such employment. No Member shall use his or her office to seek to inappropriately influence the hiring of specific individuals for any position within the SSEA.
- 9.4 Nothing in this Section prohibits a Member from providing a reference for an applicant for any position within the SSEA or offering his or her opinions and voting on any decision to hire an Executive Director.
- 9.5 No Member shall support any cause or third party using the SSEA's logo or letterhead in any communication intended to solicit funds without a vote or resolution of the Board.



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**PART 10: CONFIDENTIAL INFORMATION**

- 10.1 Members shall hold in strict confidence all Confidential Information concerning matters dealt with in-camera. No Member shall release, make public or in any way divulge any such Confidential Information or any aspect of the in-camera deliberations unless expressly authorized by the Board or required motion.
- 10.1.1 Only those members in attendance at in-camera (closed) session meetings can access said meeting minutes. Any direction to staff from these meetings will be announced out of closed session.
- 10.2 No Member shall release, make public or in any way divulge any such Confidential Information acquired by virtue of his or her office unless expressly authorized by the Board or required motion. The capacity to release Confidential Information can only be made by a majority of the Board, and no individual member has authority to waive this privilege.
- 10.3 Members are only entitled to Confidential Information in the possession of the SSEA that is relevant to matters before the Board or its committees. Beyond this entitlement, Members have the same level of access to information as does any other citizen.

**PART 11: COMMUNICATIONS AND MEDIA RELATIONS**

- 11.1 In order to foster respect for the decision-making process of the Board, Members shall fairly and accurately communicate the decisions of the Board.
- 11.2 Members shall refrain from making disparaging remarks about other Members, members of the public, Employees or the Board's process and decisions.

**PART 12: MUNICIPAL ELECTION CAMPAIGNS**

- 12.1 No Member shall use SSEA property, including its logo, for any election campaign or campaign-related activities.
- 12.2 No Member shall undertake campaign-related activities on SSEA-owned lands, except for the permissible use of campaign signs along road allowances, and in compliance with any local sign By-laws, as applicable.
- 12.3 No Member shall use the services of Employees in work for his or her (re)election during hours in which those Employees are being paid by the SSEA. The participation of SSEA staff with respect to municipal elections is generally discouraged.

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**PART 13: USE OF SSEA PROPERTY**

- 13.1 Members may only use SSEA property, including land, facilities, equipment, supplies, services, staff or other resources (for example, SSEA-owned materials, computers, networks, websites) for activities directly connected with the discharge of their official SSEA duties or as appropriate, local municipal duties.
- 13.2 Occasional or incidental personal use of SSEA computers, phones or similar devices and communication systems is acceptable, subject to the provisions of applicable provincial legislation. Such use may also be subject to the Municipal Freedom of Information and Protection of Privacy Act.
- 13.3 No Member shall obtain financial gain from the use or sale of SSEA-developed intellectual property including inventions, cultural materials, computer programs, technical innovations, or other items capable of being patented, or copyrighted, as all such property remains exclusively that of the Severn Sound Environmental Association.

**PART 14: NEPOTISM**

- 14.1 No Member shall attempt to influence the Executive Director in hiring, promotion, discipline or termination of a Spouse or Immediate Relative.

**PART 15: INTERPERSONAL CONDUCT AND COMMUNICATIONS:**

15.1 REQUIREMENTS

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 SSEA Board Member.

15.2 SSEA POLICIES

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

The SSEA and its Board Members, as agents of the SSEA share important obligations for ensuring compliance with required standards of interpersonal conduct and interactions. A failure to adhere to the required Standards of Conduct can expose the SSEA, its municipal partners, and individual Members to potential liabilities.

***Human Rights Guarantees: The Obligation to Treat Every Person with Dignity, Understanding and Respect and Avoid Harassment and Discrimination***

The Ontario Human Rights Code guarantees equal rights in the context of employment and the delivery of services. The SSEA 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.

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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 Human Rights Code.

As a Member your obligations in this regard extend to anyone you deal with in the context of employment or delivery of services; including but not necessarily limited to the following: other Members of the Board, Committee Members, Partnership Representatives, SSEA Employees, individuals providing services, contractors, students and the public.

### **PART 16: COMPLIANCE / ACCOUNTABILITY / ENFORCEMENT**

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

16.2 The SSEA 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 in a manner consistent with the interests and legal obligations of the SSEA.

16.3 The SSEA recognizes that the SSEA and its Board Members have a mutual interest in providing and encouraging access to compliance/enforcement mechanisms in connection with the conduct required by this Code that deliver objective, independent, skilled and efficient determinations in connection with any alleged misconduct by a Member.

16.4 In all circumstances where the SSEA 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:

- i. The 'informal' complaint procedure, pursuant to Part 21, may be followed but is not mandatory;
- ii. Any issue of non-compliance with the Code of Conduct shall be referred to the SSEA Board for consideration;
- iii. The SSEA Board may decide to seek legal advice on how best to deal with the matter. Any follow-up shall be an independent inquiry; independent of the SSEA, its municipal partners or any of its agents, employees or members;
- iv. Where the Investigator determines that he/she has reasonable grounds to believe that there has been a contravention of any other act or the Criminal Code, said Investigator shall refer the matter to the appropriate authority; suspend his/her inquiry and report the suspension to the SSEA Board. In these circumstances the SSEA Board will pursue the necessary steps to ensure that the matter is addressed consistent with its obligations at law and any relevant policies;

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16.5 Where a Code of Conduct breach is alleged:

- i. the member may take part in the discussion of the matter, including making submissions to the SSEA Board. However, the member is not permitted to vote on any question in respect of the matter.
- ii. In the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

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

- i. a written reprimand; and/or
- ii. pending agreement of the appointing municipality, suspension of removal from the SSEA Board.

**PART 17: OTHER COMPLIANCE/ENFORCEMENT MATTERS**

17.1 The SSEA is committed to public transparency regarding its organization. As such, the SSEA has an obligation and commitment to support complainants or potential complainants access to the following processes in connection with allegations of prohibited activity, conduct or communications.

1. Complaints of Harassment (Code or Personal), Discrimination, Violence by Employees, Members of the Board
  - Access to the procedures committed to in the SSEA's relevant Policies;
  - Complainants also have a right to file complaints with the Ontario Human Rights Tribunal (in connection with human rights allegations) and complaints with the Ministry of Labour (in connection with allegations of violence, threats of violence or personal harassment).
2. Complaints Regarding Allegations of Conduct Regulated by the Criminal Code
  - Complaints can be directed to the appropriate police organization to pursue an investigation under Section 122 of the Criminal Code of Canada where allegations of fraud or breach of trust are made in connection with a Member carrying out the duties of the Board;
  - Complaints can be directed to the appropriate police organization to pursue an investigation under Section 122 of the Criminal Code of Canada regarding allegations of a Member's involvement in demands for, acceptance of, offering or agreement to accept a loan, reward, benefit or their advantage from any person, in connection with the performance of the duties of the Member on the Board.
3. Complainant's Direct Dealings with Members in Connection with Concerns of Non-Compliance with the Code of Conduct
  - Any person who believes that a Member has infringed any standard under this Code of Conduct can advise the Member of the concern directly (verbally or in writing) that their activity infringes the Code of Conduct;

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- Such person (complainant) may directly encourage the Member to stop the offending activity;
- Such person (complainant) should keep a record of the incident, including date, time, location, persons present and any other relevant information and inform the Executive Director.

### **PART 18: INFORMAL COMPLAINT PROCEDURE**

18.1 Individuals who have identified or witnessed behaviour or an activity by a member of the SSEA Board or its committees that they believe is in contravention of the Code of Conduct for Board Members of the Severn Sound Environmental Association may:

1. advise the member that the behaviour or activity contravenes the Code of Conduct;
2. encourage the member to stop the prohibited behaviour or activity;
3. keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
4. tell someone else (for example, the Executive Director) about your concerns, your comments to the member and the response of the member;
5. if applicable, confirm to the member's satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and,
6. consider the need to pursue the matter in accordance with the formal complaint procedure outlined above or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

18.2 Individuals and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code of Conduct. With the consent of the complaining individual or organization and the member, an independent investigator may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining pursue the informal complaint procedure prior to pursuing the formal complaint procedure.

### **PART 19: COMPLAINT PROTOCOL**

19.1 Any member of the SSEA Board, staff or the public that believes they have experienced or witnessed conduct in contravention with the Code of Conduct may file a complaint and request an investigation.

19.2 All complaints shall be in writing and signed by an identifiable individual.

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

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**PART 20: SUMMARY**

20.1 The SSEA and its Board Members 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.

20.2 The standards reflect the ethical and legal context in which the SSEA and Members must deliver services to the community served by the Board and its Members. Deviations from the standards of conduct outlined in this Code of Conduct leave the SSEA, the Board and individual Members exposed to the following:

- Reputational risk;
- Loss of credibility in the community; and
- Potential for significant liabilities.

20.3 All SSEA 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 and Policies.

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**CODE OF CONDUCT FOR MEMBERS OF THE SEVERN SOUND ENVIRONMENTAL  
ASSOCIATION & COMMITTEE MEMBERS**

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**BOARD MEMBER ACKNOWLEDGEMENT**

The preceding Code of Conduct has been explained to me and I have received, read, and understood the Code of Conduct for the Severn Sound Environmental Association.

\_\_\_\_\_  
Board Member Name (Please Print)

\_\_\_\_\_  
Board Member Signature

\_\_\_\_\_  
Date







**CODE OF CONDUCT FOR BOARD MEMBERS OF THE SEVERN SOUND ENVIRONMENTAL ASSOCIATION**

**BOARD CODE OF CONDUCT – FORMAL COMPLAINT FORM/AFFIDAVIT**

I, \_\_\_\_\_ (full name), of the \_\_\_\_\_ (City, Town 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

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

(insert reasons e.g. I work for... I attended a meeting at which... etc.)

2. I have reasonable and probable grounds to believe that a member of the Severn Sound Environmental Association \_\_\_\_\_ (specify name of member) has contravened section(s) \_\_\_\_\_ (specify section(s)) of the Board Code of Conduct of the Severn Sound Environmental Association. 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 wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B etc. and attach them to this affidavit.)

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

3. This affidavit is made for the purpose of requesting that this matter be reviewed by the Severn Sound Environmental Association appointed Investigator and for no other purpose.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**Note:** This is a sworn (affirmed) affidavit of the deponent only. No investigation has been conducted by this authority to confirm or verify the above sworn information. The Criminal Code of Canada provides that: everyone commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation by affidavit, solemn declaration or deposition or orally, knowing that the statement is false, is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years (Section 131, 132), or by summary conviction (Section 134). 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.