

**BY-LAW NO. 01
A BY-LAW RESPECTING THE
CODE OF CONDUCT OF BOARD MEMBERS**

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Related BPS Procedures

- [Procedure #7](#) – Media
- [Procedure #152](#) – Acceptable Use of BPS Technology

1.0 Preamble

1.1 WHEREAS subsection 31(1) of the ***Police Services Act*** provides that a Board is responsible for the provision of Police Services and for Law Enforcement and Crime Prevention in the Municipality and shall:

- 1.1.1 Generally determine after consultation with the Chief of Police, objectives and priorities with respect to the Police Service in the Municipality;
- 1.1.2 Establish priorities for the effective management of the Police Service, and
- 1.1.3 Direct the Chief of Police and monitor their performance.

1.2 AND whereas subsection 31(6) of the ***Police Services Act*** provides that the Board may, by By-Law, make rules for the effective management of the Police Service.

1.3 AND whereas ***O. Reg. 3/99*** prescribes standards for adequacy and effectiveness of Police Services.

2.0 Definitions

2.1 **Board** – shall mean the Barrie Police Services Board.

2.2 **Chair** – shall mean the Board Chair.

2.3 **Member** – shall mean a Board Member.

2.4 **MFIPPA** – the acronym for the ***Municipal Freedom of Information and Protection of Privacy Act***.

3.0 Policy

3.1 It is the policy of the Barrie Police Services Board that:

3.1.1 Members will familiarize themselves and comply with **Ontario Regulation 421/97 – Members of Police Services Board Code of Conduct** and the **Municipal Conflict of Interest Act**, and

3.1.2 No Member shall bid or purchase any item offered for sale, directly or indirectly, at an auction conducted by the Barrie Police Service under the auspices of the **Police Services Act**.

4.0 Media Relations

4.1 The **Ontario Regulation 421/97** states:

4.1.1 *Board Members will keep confidential any information disclosed or discussed at a meeting of the Board, or part of a meeting of the Board, that was closed to the public – Section 4.*

4.1.2 *No Board Member will purport to speak on behalf of the Board unless he or she is authorized by the Board to do so – Section 5.*

4.1.3 *A Board Member who expresses disagreement with a decision of the Board shall make it clear that he or she is expressing a personal opinion – Section 6.*

4.2 The Chair will be considered the Board spokesperson for all media inquiries. When the Chair is unavailable, the Vice-Chair will be considered the Board spokesperson for all media inquiries.

4.3 In special circumstances, such as during contract negotiations or where a Board sub-committee has been established on a specific issue, the Board may designate the Member leading the negotiations, or the Chair of the sub-committee, as the case may be, to act as spokesperson for the Board on the subject in question.

4.4 Members may communicate a position of the Board; however, should a Member publicly disagree with a position of the Board, or wish to comment on a matter not yet before the Board, the Member will clearly identify that they are speaking as an individual and not on the Board's behalf. A Member shall not state that the Board has taken a position on a matter until the matter has been formally considered by the Board.

4.5 When a media inquiry is made directly to a Member regarding sensitive or confidential matters, Members will not comment but will advise the Chair of the inquiry so it may be directed to the most appropriate person.

4.6 Board media releases will be approved prior to release by the Chair, or in their absence, by the Vice Chair. Members will receive a copy of the release as soon as possible once it has been approved.

5.0 Communication

- 5.1 Professional business practices should be adhered to with respect to the creation and content of any Board communications.
- 5.2 The following guidelines shall be followed when corresponding with a business associate:
 - 5.2.1 Board Members shall not send or willingly receive any obscene or defamatory material.
 - 5.2.2 Board Members shall not send or willingly receive material intended to annoy, harass or intimidate another person or group of persons or otherwise bring discredit up on the reputation of the Board.
 - 5.2.3 Do not use sarcasm or profanity.
 - 5.2.4 Do not express personal opinions unless it is a specific task or requirement as part of your position with the Board.
 - 5.2.5 Mark any written correspondence as confidential when it includes confidential information. (i.e. texts containing or commenting upon a legal opinion or strategy should be marked as 'Confidential'). With some exceptions, the **MFIPPA** provides for the protection of solicitor-client privilege and for the sheltering of advice given by Board Members, and
 - 5.2.6 Do not include any text information that would not be suitable or could not be disclosed to the public.
- 5.3 Email transmissions sent over the Internet are not secure and may be intercepted. Internet email should not be regularly used to send operational or sensitive Board information.
- 5.4 The disclosure of written correspondence must be taken into consideration when a statutory access request is received by BPS under the **MFIPPA**. Inappropriate, non-business-like records could prove embarrassing to the person who created the correspondence, BPS and the Board.

Dated this _____ day of _____, 20____.

Board Chair

Board Administrator