

Motion No. 16-XXX – February 22, 2016

## TORONTO PUBLIC LIBRARY BOARD CODE OF CONDUCT

### PREAMBLE

The Board upholds the Toronto Public Library's mission:

Toronto Public Library provides free and equitable access to services which meet the changing needs of Torontonians. The Library preserves and promotes universal access to a broad range of human knowledge, experience, information and ideas in a welcoming and supportive environment.

Toronto Public Library Board Members understand that Members have been entrusted with caring for one of the city's most cherished civic institutions. As such:

### 1. SERVING THE COMMUNITY

Members will serve and be seen to serve Library users and their community in a conscientious and diligent manner.

### 2. RESPECT

Members will treat Library users, volunteers, staff and fellow Board Members with respect. In the performance of their duties, Members will not abuse, bully or intimidate others and Members will fulfill their responsibilities in ensuring that the Library is free from discrimination and harassment.

#### Explanatory Note:

This provision complements Board Member obligations under the *Ontario Human Rights Code*, the Workplace Violence Prevention and Response Policy and the Human Rights and Harassment Policy. This section is also aligned with the Rules of Conduct which helps foster a welcoming and supportive environment at the Library.

### 3. BOARD MEETINGS

Members will honour the Board Procedural By-law and this Code of Conduct at Board Meetings. Members understand that these meetings are public and that their behaviour affects the image of the Toronto Public Library.

#### Explanatory Note:

Procedural By-law section 19 states that, among other things, Members should be courteous and refrain from using offensive language.

#### 4. USE OF LIBRARY PROPERTY AND RESOURCES

Members will only use Library land, facilities, equipment, supplies, services, staff or other resources for the business of the Library.

##### Explanatory Note:

Note that under the Community and Event Space Rental Policy, Library “Community Space” room rental fees are waived for all City Councillors, including those that serve as Board Members, to hold public meetings. Under this policy and the Library’s Municipal Election Campaign Policy room fees will not be waived for Members if they intend to use them for election campaign purposes. Also note that “Event Space” room rental fees are not waived for City Councillors or Board Members.

Subject to the Display and Distribution of Information of Information for the Public Policy, materials from City Councillors may be displayed and distributed in Library branches. These materials cannot be political in nature.

#### 5. PUBLIC SERVANTS

Members will respect the role of Library staff as public servants who provide professional and politically neutral advice to the Board.

##### Explanatory Note:

Under the direction of the City Librarian, staff serve the Board as a whole based on the resolutions made and directions given at Board meetings. Staff should not be subject to undue influence from any individual Member or faction of the Board. Accordingly, Members will not maliciously or falsely injure the professional or ethical reputation of staff. All Members will show respect for the professional capacities of staff.

#### 6. PRIVACY AND CONFIDENTIAL INFORMATION

Members will respect the privacy of others and will not disclose or release by any means to any Member of the public, any confidential information acquired by virtue of their role at the Library. Members will maintain this obligation even after Members leave the Board.

Members will only disclose confidential information if required by law, or authorized to do so by the Board.

##### Explanatory Note:

The following are examples of the types of information that a Member of the Board must keep confidential: items under litigation, negotiation, or personnel matters; information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence); price schedules in contract tender or Request For Proposal submissions if so specified, and information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*.

## 7. CONFLICT OF INTEREST

Members are committed to performing their roles with integrity.

Members will act in the public interest and not engage in conflicts of interest, both apparent and real. Their private interests, financial or otherwise, and the interests of their family, friends or organizations with which Members are associated, should never compete with their duties and responsibilities to the Library. Their private interests include the prospect or promise of a future benefit or advantage.

Members will not accept payments or any other personal benefit:

- a) to make referrals to a person, partnership or corporation, or
- b) to act as a paid agent before the Board or a Committee of the Board.

### Explanatory Note:

Board Members are obligated to abide by the *Municipal Conflict of Interest Act*. The concept of conflict of interest in this Code is broader than the one found in the Act and is based on the City of Toronto's Public Service By-law (City of Toronto Municipal Code, Chapter 192). The Act deals with the pecuniary interests of a Member, the Member's immediate family and any businesses the Member has a stake in. This Code extends the concept to include a Member's non-monetary interests, as well as the interest of a Member's friends and organizations that the Member is associated with, including non-profits.

Generally speaking, Members should ask themselves if they, a family Member, friend or an organization to which they belong to is receiving a benefit that would impact the Member's decision making. Does the benefit disrupt a level playing field where all citizens, groups and interests can expect impartial treatment?

Private interest does not include a matter "that is of general application" or one that affects a Board Member as "one of a broad class of the public." For example, a Member is not in a conflict of interest if the Board lowers late fines for all Library users even though Board Members may be library users themselves.

To determine whether an apparent conflict has arisen, Board Members can ask themselves: Would an informed person, viewing the matter realistically and practically and having thought the matter through, think it more likely than not that the Board Member, whether consciously or unconsciously, will be influenced in the performance of his [or her] official duties by considerations having to do with his [or her] private interests?

## 8. IMPROPER USE OF INFLUENCE

Members will not use their positions at the Library to improperly influence others for private gain or to gain preferential treatment for their family, friends or organizations with which Members are associated.

### Explanatory Note:

Improper influence means pressuring a person to do something they would not otherwise do. When making requests or giving direction to staff, Board Members should be aware of the authority they have and not exploit it for personal gain. This provision is closely linked to the concept of conflict of interest, however improper use of influence is the proactive leveraging of a Member's position of authority for their own benefit and not for the benefit of the Library.

Improper influence can be unintentional. Due to the position that a Board Member holds, staff may acquiesce to a Member's request even if the request is inappropriate. Therefore, Members should avoid requesting staff to perform activities other than those required in the performance of their duties. This includes asking staff to run personal errands.

## 9. POLITICAL NEUTRALITY

Members will not use Library facilities, equipment, supplies, services (including staff services) or any other resources for election campaign or campaign-related activities.

Members will not use a position of authority at the Library to compel staff or volunteers to engage in partisan political activities.

### Explanatory Note:

This section restates the key principles found in the Library's Municipal Election Campaign Policy. This policy provides more details on when it is inappropriate to use Library resources for election campaign purposes.

Library staff are public servants who have a professional responsibility to implement the decision of the Board to the best of their ability, regardless of their personal feelings. There can be no reprisals for staff political neutrality. The use of Library resources for political purposes undermines this convention of public administration and would damage the perception of the Library as an institution that a) supports intellectual freedom and b) serves all Torontonians equally. Therefore, Members should refrain from using their position to advance a political agenda.

## 10. GIFTS

Members will remain free from any improper influence, or the appearance of improper influence, in the performance of their duties.

When outside individuals or organizations give Members gifts in connection to their position at the Library, they will only accept gifts that:

- a) are infrequent and the value is reasonable;
- b) arise out of activities or events related to the Member's official duties;
- c) are within the normal standards of courtesy, hospitality or protocol; and
- d) do not compromise or appear to compromise the integrity of the Member or the Library.

### Explanatory Note:

A gift includes a fee, advance, gift or personal benefit that is connected directly or indirectly with their duties as Board Members.

For example, if a Member receives an invitation to attend an event being hosted by a company with which the Library has just entered into a commercial arrangement, and the event is a celebration of the successful collaboration between the Library and the company, the Member may attend. This is a gift or benefit accepted as part of the normal exchange of hospitality and would be a one-time or rare event.

In contrast, if a management consulting firm, that is looking to do business with the Library, invites a Member to make up a foursome at an annual charitable golf tournament at no cost to the Member, this invitation should be declined. Accepting the invitation would be inappropriate because a Board member would give the appearance of improper influence if the Library retained the services of the firm at some point in the future during the Member's term.

## 11. LOBBYING

Members are committed to the highest standards of transparency with respect to decisions that Members make on behalf of the Library, including the purchase of goods and services. Members will abide by the Library's Lobbying Disclosure for Board Members policy.

### Explanatory Note:

Lobbying Disclosure for Board Members policy requires Members to disclose when they have been subject to lobbying. Disclosure forms are available from the Library's website and must include the name and contact information of the lobbyist, who the lobbyist represents, and a description of the general nature of the communication.

## 12. ACCOUNTABILITY

The Toronto Public Library Board is accountable for the implementation of this Policy.