

**Type:** By-Law**Authority:** Board**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.04

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Municipal Conflict of Interest Act R.S.O., 1990, c. M50
- Oath of Confidentiality
- Code of Ethics

Original Approval: 03-22-2018

Amended On: 05-16-2019

Reviewed On: 09-21-2023

### Legal Framework

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If a board member,

1. is convicted of an indictable offence;
2. becomes incapacitated;
3. is absent from the meetings of the Board for three consecutive months without being authorized by a Board resolution;
4. ceases to be qualified for membership under PLA clause 10 (1) (c); or
5. otherwise forfeits his or her seat,

the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify the Council accordingly. [PLA 13]

### BLG.2018.4.1 Criminal Records Check

1. All Board Members shall provide a Police Criminal Records Check (CRC) without Vulnerable Sector Search to be kept on file for the duration of their term on the Board. If not required as part of TBM application and appointment, it must be requested by the Board Member immediately upon appointment to the Board, and provided to the Board Secretary. The Cost of the Police Criminal Records Check, if any, will be reimbursed by the BMPL.
2. Members agree to disclose new or pending criminal charges immediately to the Board Chair. Failure to disclose within 30 days of charge(s) being laid could result in removal. Upon notification of charges, action is at the discretion of the Board, and may include removal from the Board, suspension pending outcome of charges, or acknowledgement of charges with no immediate action taken. These steps are taken as a means of protecting the Brand of the BMPL and are not deemed an admission nor assumption of guilt.
3. Unless retained by TBM, the Board Secretary shall maintain records of Board Members and their CRC for the Board in confidence.
  - 3.1. Records shall be maintained in a Confidential Board Dossier.
  - 3.2. Should there be an updated CRC, the old CRC shall be shredded/deleted.
  - 3.3. A CRC shall be shredded/deleted within one year of the resignation of a Member from the Board, unless the Member:
    - 3.3.1. Was removed by the Board and an investigation is in place; or

### 3.3.2. Is involved in legal proceedings against BMPL.

#### **BLG.2018.4.2 Removal from the Board**

Board Members may be removed from the Board, by resolution. Reasons for removal from the Board include, but are not limited to:

1. Criteria outlined in the Legal Framework of this policy.
2. Failure to disclose criminal charges.
3. Breach of the:
  - 3.1. BMPL Oath of Confidentiality,
  - 3.2. BMPL Code of Ethics,
  - 3.3. TBM Code of Conduct, or
  - 3.4. Municipal Conflict of Interest Act.
4. Attendance at fewer than 50% of regularly scheduled meetings in any 12 month period.