

PETERBOROUGH VICTORIA NORTHUMBERLAND AND CLARINGTON
CATHOLIC DISTRICT SCHOOL BOARD

TRUSTEE CODE OF CONDUCT (the “Code”)

CODE OF CONDUCT

Integrity and Dignity of Office

- ◆ Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
- ◆ When acting or holding themselves out as Trustee of the Board, a Trustee shall conduct themselves in a manner that would not discredit or compromise the integrity of the Board.
- ◆ When acting or holding themselves out as a Trustee, the Trustee shall treat persons equally without discrimination based on a person’s race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- ◆ Trustees of the Board shall recognize that the expenditure of school Board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.
- ◆ Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on any Board property.
- ◆ Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.
- ◆ Trustees shall endeavour to participate in Trustee development opportunities to enhance their ability to fulfill their obligations.

Avoidance of Personal Advantage and Conflict of Interest

- ◆ No Trustee shall accept a gift from any person, group or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing their duties to the Board, unless
 1. the gift is of nominal value,
 2. the gift is given as an expression of courtesy or hospitality, and

3. accepting the gift is reasonable in the circumstances. [If a Board has a policy regarding Trustees receiving gifts, it should be referred to here and that policy cannot conflict with the requirements above as mandated by Regulation 312/24 *Members of School Board – Code of Conduct*]
- ◆ A Trustee shall not use his or her office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.
 - ◆ No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.
 - ◆ No Trustee shall use or permit the use of Board resources for any purposes other than the business of the Board.

RESPECT, CIVILITY AND COMMUNICATION

Trustees share in the responsibility of creating a positive working and learning environment that is safe, harmonious, comfortable, inclusive and respectful. Trustees shall:

- ◆ Respect and comply with all applicable federal, provincial and municipal laws;
- ◆ Uphold and abide by all Board policies, procedures and protocols of the Peterborough Victoria Northumberland and Clarington Catholic District School Board;
- ◆ Uphold the mission, vision and values of the Peterborough Victoria Northumberland and Clarington Catholic District School Board and will not cause or allow any conditions, procedures, actions or decisions that are undignified, unprofessional, or contrary to the preservation of Catholic values and teachings;
- ◆ Demonstrate honesty and integrity;
- ◆ Treat others fairly and with dignity and respect at all times, especially when there is disagreement;
- ◆ Employ appropriate language and professionalism in performing their duties as Trustees, and in all matters of communication (oral and written) including email, social media, telephone and face-to-face meetings with staff, parents, other stakeholders and members of the community at large;
- ◆ Shall respond to requests and communications from the public or from school Board personnel in a timely and respectful manner;
- ◆ Shall bring information regarding any staff employment concerns to the attention of the Director of Education, if required, but shall offer no judgement on the specifics of any

concern presented;

- ◆ Shall bring information regarding any concerns raised by a student over the age of 18, parent, guardian, constituent, or supporter of Catholic education to the attention of the Director of Education or delegate, and if required, the Chairperson of the Board but shall offer no judgement on the specifics of any concern presented;
- ◆ Shall report any inquiries from lobbyists to the Chairperson of the Board and the Director of Education forthwith and must not use their influence to gain or advance the interest of any particular party during a procurement process;
- ◆ Shall refer requests from the media for comments regarding Board policy and business decisions to the Director of Education and Chairperson of the Board as appropriate;
- ◆ Will commit to being fully prepared to participate and deliberate on all matters before the Board;
- ◆ Shall avoid disrupting the process of Board and committee meetings and refrain from engaging in conduct or contributing to a tone of sarcasm or denigration during such meetings and at all other times that would discredit or compromise the integrity of the Board.

COMPLYING WITH LEGISLATION

Trustees shall comply with all Federal and Provincial legislation and any contractual obligations of the Board in conducting the business of the Board.

Trustees shall:

- ◆ Every Trustee of the Board shall comply with this Code of Conduct and uphold the spirit of the Code.
- ◆ Familiarize themselves and comply with the duties of Board members as set out in Section 218.1 of the *Education Act* including any applicable regulations, specifically Regulation 312/24.
- ◆ Familiarize themselves with duties and/or requirements applicable to them in the *Municipal Freedom of Information and Protection of Privacy Act*, the *Municipal Conflict of Interest Act*, and the Peterborough Victoria Northumberland and Clarington Catholic District Board by-laws and policies.

CONFIDENTIALITY

- ◆ No Trustee shall disclose confidential information obtained or made available to them in their role as a Trustee except as authorized by law or the Board. Confidential information includes personal information about an identifiable individual or information subject to

solicitor-client privilege.

- ◆ No Trustee shall use confidential information, including confidential information obtained by them or made available to them in their role as a Trustee for the purpose of personal gain or for the gain of the Trustee's parent, spouse or child and shall not use such confidential information in a manner that would be detrimental to the interests of the Board. [Parent, spouse and child have the same meaning as in Section 1 of the *Municipal Conflict of Interest Act*.]
- ◆ Trustees acknowledge that as part of their duties they may be privy to private, confidential and/or legally privileged financial, business and/or commercial information. Such information may include, but is not limited to, information relating to the Board's organizational structure, operations, business plans, technical projects, business costs, research data, inventions, trade secrets or other work produced, developed by or for the Board, confidential student and personnel information, legal matters and opinions.
- ◆ Except as required by law, all Trustees and former Trustees agree not to use, directly or indirectly, for the Trustee's benefit or the benefit of any person, organization, firm, or other entity, the Board's proprietary or confidential information disclosed or entrusted to that Trustee. Trustees recognize that such inappropriate use of confidential information for their benefit may constitute a breach of trust contrary to Section 122 of the *Criminal Code*.
- ◆ The confidentiality of personal information received in the course of duties shall be respected and protected. Trustees shall keep all information received, including but not limited to, in camera discussions and actions in complete confidence. Information received shall not be discussed in public where another person not privy to the information could accidentally overhear or read such information.
- ◆ A Trustee's duty of confidentiality survives their term of office.

UPHOLDING DECISIONS OF THE BOARD

- ◆ All Trustees of the Board shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.
- ◆ Each Trustee shall comply with Board policies, procedures, by-laws, and rules of order and will respect the procedural rulings of the Chairperson at Board meetings and committee meetings.
- ◆ Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board regardless of their personal position on the issue and shall not make disparaging remarks about another Trustee or a group of Trustees in expressing comments or disagreement or speculate on the motives of a Trustee, a group of Trustees, or Board staff. A proper motion for reconsideration or rescission, if permitted by the Board's Rules of Order, can be brought by a Trustee.

- ◆ A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.
- ◆ The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall act as spokesperson to the public on behalf of the Board unless authorized by the Board. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

ENFORCEMENT OF THE CODE OF CONDUCT

- ◆ Trustees will at all times conduct themselves in a manner consistent with the Code of Conduct outlined in this policy.
- ◆ Only a Trustee can allege that the Board's Code of Conduct has been breached by another Trustee.
- ◆ No Trustee shall give notice of an alleged breach of the code of conduct if the allegation is frivolous or vexatious or the notice is given in bad faith.
- ◆ No Trustee shall engage in reprisal or the threat of reprisal against another Trustee who gave notice of an alleged breach of the code of conduct or who provides information about an alleged breach to the Integrity Commissioner.
- ◆ Trustees may, in some circumstances, want to respond to inappropriate statements or behavior at a meeting at which the inappropriate conduct takes place. Robert's Rules of Order may assist as Trustees can call for a Point of Order. The Chair of the Meeting may also call a recess or caution a Trustee or Trustees about conduct which is contrary to the expectations outlined in the Trustee Code of Conduct.
- ◆ If a Trustee also, or instead, wishes to preserve his or her right to subsequently make a complaint in accordance with the Procedures, it may be appropriate to ask the Secretary of the Board to note a particular comment or action in the minutes, or to give the Trustee notice at the meeting that a formal complaint will be forthcoming, noting the conduct and/or comments which are believed to be a breach of the Trustee Code of Conduct.

REVIEW OF THE TRUSTEE CODE OF CONDUCT POLICY

- ◆ The Board shall review its code of conduct for, among other things, compliance with Ontario Regulation 312/24 and shall pass a Board resolution setting out the required changes, or if no changes are required, confirming the code of conduct.
- ◆ The first review shall be completed within 30 days after this Regulation comes into force.

- ◆ The second review shall be completed no later than May 15, 2027.
- ◆ Each subsequent review shall be completed in the fourth year following the previous review and no later than May 15 in that year.
- ◆ If one or more changes are set out in a Board resolution the Board shall update its Code of Conduct to reflect the changes no later than August 31 in the year of the review.

REFERRAL TO THE INTEGRITY COMMISSIONER [TAKES EFFECT JANUARY 1, 2025]

A complaint of Trustee conduct that is contrary to this policy shall be addressed in a timely manner according to the Procedures of the Board consistent with section 218.3 of the Education Act and Ontario Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct*.

Notification of Alleged Breach:

1. A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair of the Board or the Vice Chair if the notice is related to the conduct of the Chair. If both are the subject of the notice, then the notice should go to another member of the Board;
2. A copy of the notice should also go to the Director of Education;
3. The notice of the alleged breach should include the following:
 - I. Name and contact information of the Trustee alleging the breach;
 - II. The name and contact information of Trustee whose conduct is the subject of the notice;
 - III. The date the alleged breach;
 - IV. A description of the alleged breach;
 - V. The provision of the Code of Conduct that was allegedly breached.
4. If the alleged breach cannot be settled by the Board within 20 days, it must be referred to the Integrity Commissioner.
5. Once a matter is referred to the Integrity Commissioner, they have the authority under section 218. 3 (7) of the Education Act to determine the scope of the investigation into the alleged breach.

6. The Integrity Commissioner appointed by a Board shall commence an investigation into the alleged breach of the Board's Code of Conduct no later than 14 days after being appointed and shall provide the Trustee with the opportunity to respond to the allegations, as well as a right to reply, where appropriate.
7. The Integrity Commissioner shall make a determination with respect to a complaint of an alleged breach no later than 90 days after commencing the investigation, unless the Integrity Commissioner notifies the Board and the member who is the subject of the complaint that an extension is necessary and of the reasons for the extension.

POTENTIAL SANCTIONS THE INTEGRITY COMMISSIONER MAY IMPOSE:

1. Censure of the member.
2. Requiring the Board to reduce the member's honorarium by a maximum of 25% of a Trustee's base and enrollment amount for the year [under O. Reg 357/06 to be amended] requiring the member to return any excess already paid to the member and authorizing the Board to recover the excess from the member.
3. Barring the member from attending all or part of one or more meetings of the Board or one or more meetings of a Committee of the Board, for the period of time specified by the Integrity Commissioner up to a maximum of 90 days or the balance of the member's term of office, whichever is less.
4. Barring the member from sitting on one or more Committees of the Board, for the period of time specified by the Integrity Commissioner, up to a maximum of 90 days or the balance of the member's term of office, whichever is less.
5. Barring the member from becoming the Chair or Vice-Chair of the Board or of any Committee of the Board, or removing the member from any of those positions.
6. Barring the member from exercising the privileges of a Board member or acting as a Board Representative or removing the member from a position the member holds as a Board Representative.
7. Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances.
8. Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Board's Code of Conduct.

APPEAL PROCESS:

- ◆ Either the Board or the member whose conduct was the subject of the Integrity Commissioner's determination may appeal the determination, the sanctions imposed, or both, and the Board and the Trustee are the parties to such an appeal.
- ◆ The Trustee has 15 days to provide written notice to appeal the determination of the Integrity Commissioner;
- ◆ The appeal shall be heard by a panel of three Integrity Commissioners appointed by the Deputy Minister or his or her delegate within 15 days of having received the appeal application, but the panel shall not include the Integrity Commissioner whose determination is the subject of the appeal.
- ◆ One of the Integrity Commissioners on the panel shall be appointed by the panel to act as Chair and co-ordinate the hearing of the appeal;
- ◆ The Chair of the panel will notify the parties to the appeal process and the requirements of the process;
- ◆ The panel will hear the appeal in writing only;
- ◆ The Trustee appealing the Integrity Commissioner's ruling regarding the breach of the Trustee Code of Conduct will provide written submissions to the panel and the Integrity Commissioner who found the Trustee in breach of the Code within 20 business days after receiving notice that the panel has been appointed;
- ◆ The Board's Integrity Commissioner will provide a written submission to the panel and the Trustee within 20 business days after receiving the Trustees' submissions;
- ◆ The Trustee will provide the panel a written reply to the Integrity Commissioner's submission within 10 business days after receiving the Integrity Commissioner's submission;
- ◆ The Chair of the panel may extend the timelines at the written request of one of the parties to the appeal; a copy will be sent to the Deputy Minister of Education.
- ◆ The panel will meet to consider the appeal in person or via electronic means.

Panel Decisions

The panel may

- ◆ Define or narrow the scope of the appeal
- ◆ Limit length of submissions from the parties

- ◆ Make interim decisions and orders
- ◆ On its motion, dismiss an appeal as frivolous or vexatious or commenced in bad faith
- ◆ The panel's decision regarding dismissal on the ground of it being frivolous or vexatious or made in bad faith is final;
- ◆ The Chair of the panel will notify the parties to the appeal of its decision on the above matters;
- ◆ Final decision: the panel will provide its decision and reasons, including any dissent, to the parties within 30 days after receiving the Integrity Commissioner's submission. The panel will provide the Deputy Minister with a copy of the decision.

Adopted at the Regular Board Meeting, September 24, 2024