



Northeastern Catholic District School Board

CODE OF CONDUCT - TRUSTEES

Policy Number: T-1

Authority: 11- 60/15-113

POLICY STATEMENT

Whereas the aim of Catholic Education is the development of each student toward personal fulfillment and responsible citizenship motivated by the Spirit of the Gospel and modeled on the example of Jesus Christ, the Catholic School Trustee shall, within the duties prescribed in Acts and Regulations and reflecting a ministry within the church:

- (a) acknowledge that Catholic schools are an expression of the teaching mission of the Church;
- (b) provide an example to the Catholic Community by active participation in the communal life of a parish, and by a personal lifestyle that reflects the teaching of the Church;
- (c) provide the best possible Catholic education according to the programs approved by the Canadian Conference of Catholic Bishops and the provincial Minister of Education;
- (d) affirm a strong sense of Christian Catholic Community; and
- (e) provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic Education in Canada.

The Members of the Northeastern Catholic District School Board of Trustees occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional, impartial and Catholic manner.

It is imperative that the Trustees be, and be seen to be acting in the best interests of the public they serve.

Without limiting the generality of the foregoing, a Trustee would compromise themselves in the discharge of their duties by failing to declare a conflict of interest as required pursuant to the *Municipal Conflict of Interest Act*, by contravening any other law, by disclosing confidential business, personnel or student information and by misappropriating board resources.

This Code of Conduct and accompanying Regulation is applicable to all Members of the Board of Trustees.

REFERENCES

- Education Act, Section 218.2 (1)

DEFINITIONS

Nil

POLICY REGULATIONS

Decorum

Trustees shall at all times act with decorum and shall be respectful of other trustees and members of staff, as well as the public.

No personal use of handheld electronic devices during any meeting of the board or committee other than an emergency.

Trustees will conduct themselves in accordance with the Procedural Bylaws of the NCDSB, this Code of Conduct and the Provincial Code of Conduct, including the following principles of decorum.

Subject to the duty of a Trustee under section 218.1(e) of the *Education Act* to uphold the implementation of any board resolution after it is passed by the Board of Trustees, a Trustee may comment on, or disagree with, a decision taken by the Board of Trustees. A Trustee may not make disparaging remarks about a Trustee or a group of Trustees in expressing such comment or disagreement or speculate on the motives of a Trustee or a group of Trustees.

Any Trustee who resists the rules of the Board, uses offensive language, disobeys the decisions of the Chair or the Board on points of order, or makes any disorderly noise or disturbance may, unless an apology is offered, be ordered by the Chair to leave for the remainder of the meeting, and in the case of a refusal to do so, may, on the order of the Chair, be removed from the Boardroom and Board Office. Such a removal will be recorded in the Minutes of the meeting. (See section 207(3) of the *Education Act*).

Complying with the Law

All Trustees will and will be seen to comply with the letter and spirit of all of the laws of Canada and the Province of Ontario and any contractual obligations of the Board.

The Trustees acknowledge they may only act on behalf of the Board as a Board of Trustees through resolution and may not act individually or purport to represent the interests of the Board without the knowledge and consent of the Board of Trustees.

It is every Trustee's responsibility to ensure that all information they communicate in the course of their duties is accurate and complete.

It is every Trustee's responsibility to familiarize themselves with their duties and any requirements of them as prescribed by the *Education Act*, and Regulations, the *Municipal Freedom of Information and Protection of Privacy Act* and Regulations, the *Municipal Conflict of Interest Act* and any other Act or

Regulation that may be applicable to the Trustee's duties from time to time, and/or Ministry of Education requirements and the Board's By-Laws, Policies and General Administrative Procedures.

Specific Requirements under Part VI of the Education Act

(As amended effective December 15, 2009, by Bill 177 – An Act to amend the Education Act with respect to student achievement, school board governance and certain other matters)

All Trustees are expected to comply with the following duties of board members as set out in section 218.1 of the *Education Act*:

“A member of a board shall,

- (a) carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under this Act, the regulations and the guidelines issued under this Act, including but not limited to the board's duties under section 169.1;
- (b) attend and participate in meetings of the board, including meetings of board committees of which he or she is a member;
- (c) respond in a timely fashion to requests such as communications, email, telephone calls, etc., so as to not interfere with the day to day operations of the board;
- (d) consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1(1)(f);
- (e) bring concerns of parents, students and supporters of the board to the attention of the Director;
- (f) uphold the implementation of any board resolution after it is passed by the board;
- (g) entrust the day to day management of the board to its staff through the board's Director of Education;
- (h) maintain focus on student achievement and well-being [through the development of policies]; and
- (i) comply with the board's code of conduct.”

Additional Duties of the Chair

In addition to the duties of Trustees set out in section 218.1 of the *Education Act*, the Chair of the board is expected to comply with the additional duties set out in s. 218.4 of the *Act*:

“In addition to any other duties under the Act, the chair of a board shall,

- (a) preside over meetings of the board;
- (b) conduct the meetings in accordance with the board's procedures and practices for the conduct of board meetings;
- (c) establish agendas for board meetings, in consultation with the board's director of education or the supervisory officer acting as the board's Director of Education [an Associate Director may act as Secretary to the Board in the absence of the Director];
- (d) ensure that members of the board have the information needed for informed discussion of the agenda items;
- (e) act as spokesperson to the public on behalf of the board, unless otherwise determined by the board;
- (f) convey the decisions of the board to the board's Director of Education;
- (g) provide leadership to the board in maintaining the board's focus on the multi-year plan established under section 169.1;
- (h) provide leadership to the board in maintaining the board's focus on the board's mission and vision; and
- (i) assume such other responsibilities as may be specified by the board."

Conflict of Interest

All Trustees are expected to comply with the *Municipal Conflict of Interest Act*, R.S.O., 1990, c. M-50 provisions, attached as Appendix A, which requires that Trustees declare and disclose the general nature of the interest for all direct and indirect pecuniary conflicts of interest and abstain from making a decision.

In all situations where a Trustee or their spouse, child or parent has a pecuniary interest in a matter before the Board that Trustee must declare a conflict of interest, disclose the general nature of the interest, and abstain from discussions and voting with respect to that issue.

Where such conflict of interest arises during an in-camera session of the Board, the Trustee must absent themselves from the room during discussion and deliberation of the issue for which they have a conflict.

It is an expectation of the Board that Trustees will not only comply with the requirements of the *Municipal Conflict of Interest Act*, but also avoid conflicts of interest as defined by this Code of Conduct.

Pursuant to this Code of Conduct, a conflict of interest exists when the decisions and/or actions of a Trustee during the course of exercising their duties are affected by or perceived by another party or person

to be affected by the Trustee's personal, financial or business interests or the personal, financial or business interests of a relative, friend, and/or business associate of the Trustee.

Every Trustee is responsible and accountable for exercising good judgment and avoiding situations that might present a conflict of interest or the appearance of a conflict of interest and where a conflict of interest might exist each Trustee has an affirmative duty to disclose such conflict when it becomes apparent.

No Trustee shall use their position, authority or influence for personal, financial or material gain or personal business purposes or for the personal, financial or material gain or business purposes of a relative, friend and/or business associate. Every Trustee shall uphold and enhance all Board business operations by:

- (i) Maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the Board;
- (ii) Fostering the highest standard of professional competence amongst those for whom they are responsible;
- (iii) Complying with and being seen to be complying with the letter and spirit of:
 - The laws of Canada and the Province of Ontario,
 - Contractual obligations applicable to the Board; and
- (iv) Rejecting and denouncing any business practice that is improper or inappropriate or may appear to be improper or inappropriate.

A Trustee shall not use their position, authority or influence to give any person or organization special treatment that might, or might be perceived to, advance the interests of the Trustee, or the interests of a relative, friend and/or business associate of the Trustee.

A Trustee must not participate in any decision or recommendation in which they or a relative, friend or business associate may have a financial, commercial or business interest.

All Trustees shall disclose a conflict of interest or potential conflict of interest, and the general nature of the interest, to the Board of Trustees.

Confidentiality

All Trustees acknowledge that as part of their duties to the Board they may be privy to private, confidential and/or legally privileged financial, business and/or commercial information belonging to the Board that may provide a financial, business, commercial or competitive advantage, and that they may be privy to private and confidential student and personnel information, and/or legal matters and opinions. 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 results, inventions, trade secrets or other work produced, developed by or for the Board.

Except as required by law, all Trustees and former Trustees agree not to use, directly or indirectly, for the Trustee's benefit or for the benefit of any person, organization, firm, or other entity, the Board's proprietary or confidential information disclosed or entrusted to that Trustee, and Trustees recognize that such inappropriate use of confidential information for their benefit may constitute a criminal breach of trust contrary to s.122 of the *Criminal Code* (Canada).

Except as required by law, and in accordance with the *Education Act* and *Municipal Freedom of Information and Protection of Privacy Act*, all Trustees agree not to use or disclose the personal and/or educational information of students and their families that may come to the attention of such Trustee.

Except as required by law, and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, all Trustees agree not to use or disclose the personal and/or employment information of Board employees and their families that may come to the attention of a Trustee.

A Trustee's duty of confidentiality with respect to private and confidential financial, business and/or commercial information, personnel information, student information, and legal matters and opinions survives their term as Trustee.

Board Resources

No Trustee shall use Board resources for personal gain. No Trustee shall permit relatives, friends and/or business associates to use Board resources for personal gain. Trustees recognize that such inappropriate use of Board resources directly or indirectly for their benefit may constitute a criminal breach of trust contrary to s.122 of the *Criminal Code* (Canada).

All Trustees shall abide by Board Policies and General Administrative Procedures regarding the use of Board resources including information technology resources.

Enforcement of Code of Conduct and the Municipal Conflict of Interest Act

In accordance with the provisions of section 218.3 of the *Education Act*, a breach of this Code of Conduct by a Trustee may be dealt by the following procedures:

A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board.

If an alleged breach is brought to the attention of the Board, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether there has been a breach.

If the Board determines that a Trustee has breached this Code of Conduct, the Board may impose one or more of the following sanctions:

(a) Censure of the Trustee.

(b) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.

(c) Barring the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board.

A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to the members of the public.

In appropriate circumstances, the Board may also resolve to disassociate the Board from any action or statement of a Trustee.

In addition to the sanctions above, the Board may declare the office of the Chair and/or Vice-Chair to be vacant effective as of the date of the Board's determination, where the Chair and/or Vice-Chair:

(a) becomes disqualified as a Trustee;

(b) deliberately breaches any relevant legislation or other Ministry of Education requirements

(c) deliberately breaches any Board By-Laws, Policies, General Administrative Procedures or practices; and/or

(d) acts in such a manner as to lose the confidence of the Board.

If a Board determines that a Trustee has breached this Code of Conduct, the Board shall give the Trustee written notice of the determination and of any sanction imposed by the Board.

The notice shall inform the Trustee that he or she may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice that is at least 14 days after the notice is received by the Trustee.

The Board shall consider any submissions made by the Trustee and shall confirm or revoke the determination within 14 days after the Trustee's submissions are received.

If the Board revokes a determination that a Trustee has breached this Code of Conduct, any sanction imposed by the Board is also revoked.

If the Board confirms a determination that a Trustee has breached this Code of Conduct, the Board shall, within 14 days after the Trustee's submissions were received, confirm, vary or revoke any sanction(s) imposed by the Board.

If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination about the alleged breach was made by the Board.

Despite subsection 207(1) of the *Education Act* which requires meetings of the Board to be open to the public, but subject to the requirements below for specific resolutions of the Board to be made in public, the Board may close to the public the part of the meeting during which a breach or alleged breach of this Code of Conduct is considered when the breach or alleged breach involves any of the following matters:

- (a) the security of the property of the Board;
- (b) the disclosure of intimate, personal or financial information in respect of a Trustee or committee, an employee or prospective employee of the board or a student or his or her parent or guardian;
- (c) the acquisition or disposal of a school site;
- (d) decisions in respect of negotiations with employees of the board; or
- (e) litigation affecting the board.

The Board shall do the following things by resolution at a meeting of the Board, and the vote on the resolution shall be open to the public:

- (a) Make a determination that a Trustee has breached this Code of Conduct.
- (b) Impose a sanction on a Trustee for a breach of this Code of Conduct.
- (c) Confirm or revoke a determination regarding a Trustee's breach of this Code of Conduct.
- (d) Confirm, vary or revoke a sanction after confirming or revoking a determination regarding a Trustee's breach of this Code of Conduct.

A Trustee who is alleged to have breached this Code of Conduct shall not vote on any of the resolutions listed above.

When a resolution listed above is passed, the resolution shall be recorded in the Minutes of the meeting.

The *Statutory Powers Procedure Act* does not apply to any the enforcement provisions under section 218.3 of the *Education Act*.

Nothing in this Code of Conduct prevents a Trustee's breach of the *Municipal Conflict of Interest Act* from being dealt with in accordance with that *Act*.

ADDITIONAL CLAUSES

Declaration of Interest

Where a conflict of interest arises, or when a potential conflict of interest emerges, the Trustee has a duty to inform the Board of Trustees that such a conflict exists, the general nature of the interest, and that they cannot

participate in any decisions of the Board with respect to such issue. Further, the Trustee shall not discuss the issue with which they have a conflict with any Trustees, nor will the Trustee remain in the room when the issue is discussed during an in camera meeting of the Committee of the Whole Board of Trustees.

Any personal interest that may impinge or might reasonably be deemed by others to impinge on a Trustee's impartiality or judgment in any matter relevant to their duties should be declared to the Board of Trustees and that Trustee should absent him/herself from participating in any decisions related to such issue.

Confidentiality and Accuracy of Business/Corporate Information

The confidentiality of business/corporate information received in the course of duties must be respected and should not be used for personal gain. Information given in the course of fulfilling duties should be true and fair and not designed to mislead. For example, it is considered unethical and damaging to the Board's reputation to allow vendor's proprietary/confidential information to pass to another vendor, potential vendor or any person with a financial interest in the information, whether potential or actual, direct or indirect.

The confidentiality of personal/educational student and family information received in the course of duties must be respected, protected and kept confidential. Information received should not be discussed or reviewed in public or where another student, parent or member of the school community could accidentally overhear or read such information.

The confidentiality of personal/employment and family information about Board employees must be respected, protected and kept confidential. Information received should not be discussed or reviewed in public or where another employee or member of the public could accidentally overhear or read such information.

Hospitality and Gifts

Moderate hospitality and gifts are an accepted courtesy of a business relationship. However, the recipients should not allow themselves to reach a position whereby they might be influenced in making a business decision as a consequence of accepting such hospitality.

(i) Offering or Accepting Gifts & Hospitality

Although the exchange of common courtesies, such as the occasional gift or meal of nominal value is recognized as acceptable business practice, there is a danger in offering or accepting hospitality, gifts, gratuities or favours that could be mistaken for improper payment.

Trustees should not use their position for improper gain, nor under any circumstances accept gifts of cash, bonds, securities, personal loans, airline tickets, use of a vacation property or costly entertainment.

(ii) Conditions for Accepting Gifts & Hospitality

A Trustee may accept the hospitality of another or gift from another, in the course of the professional relationship, if:

1. a Trustee believes that the donor is not trying to obligate them, or improperly influence a decision;
2. it is "normal business practice" for the purposes of courtesy and good business relations; and
3. acceptance is legal and consistent with generally accepted ethical standards.

(iii) Examples of Acceptable Gifts

Examples of acceptable gifts include:

1. Holiday gifts, such as fruit baskets or candy.
2. Inexpensive advertising and promotional materials (e.g. Give-a-ways, such as pens or key chains).
3. Inexpensive awards to recognize service and accomplishment in civic, charitable, educational or religious organizations (such as nominal gift certificates to book stores).

(iv) Gifts of Considerable Value

Where it would be extraordinarily impolite or otherwise inappropriate to refuse a gift of obvious value, the gift may be accepted on behalf of the Board. As noted under (v) Reporting Gifts. Such gifts may not be taken for the Trustee's home use or enjoyment. Trustees might ask themselves if public knowledge of the gift would cause personal embarrassment or embarrassment to the Board. If there is still uncertainty regarding what is considered an appropriate gift to give or receive, this should be discussed with the Chair/Vice-Chair, as appropriate.

(v) Reporting Gifts & Hospitality

Trustees must notify the Chair by email and the Chair must notify the Vice-Chair of any gifts and hospitality received including meals, over \$200.00. (A distinction could be made between hospitality and gifts,

or there can be discretion with respect to the amount, rather than a set amount).

All forms (which are available from the office of the Director) will be retained in the Office of the Chief Executive Officer and Secretary to the Board.