



Huron-Superior Catholic

DISTRICT SCHOOL BOARD

PROCEDURAL GUIDELINES TRUSTEE CODE OF CONDUCT

PURPOSE

This Trustee Code of Conduct Procedural Guideline has been established to ensure that the Board of Trustees always conduct themselves in a manner consistent with the Board's Mission, Vision and Values. The Trustees of the Huron-Superior Catholic District School Board are to conduct themselves in an ethical, professional, respectful and lawful way, in the promotion and provision of quality faith-based Catholic education for its students. Every Trustee of the Board, including the Chair of the Board and Student Trustees, shall comply with this Code of Conduct and uphold the spirit of the Code.

CODE OF CONDUCT

Catholic Faith, Community and Culture

Every Huron-Superior Catholic District School Board Trustee shall, within the duties prescribed in the Education Act, its Regulations and other applicable legislation and reflecting a ministry within the Church:

- Acknowledge that Catholic schools are an expression of the teaching mission of the Church.
- Provide an example to the Catholic community that reflects the teaching of the Church.
- Provide the best possible Catholic education according to the programs approved by the Canadian Conference of Catholic Bishops and the Minister of Education.
- Recognize and rigorously defend the constitutional right of Catholic education and the democratic and corporate authority of the Board.
- Ensure the affairs of the Board are conducted with openness, justice and compassion.
- Work to improve personal knowledge of current Catholic educational research and practices.
- Affirm a strong sense of Christian, Catholic community; and
- Provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic education in Canada.

Integrity and Dignity of Office

Catholic Trustees occupy positions of public trust and confidence. They represent all stakeholders in the Board by articulating and supporting a shared commitment to excellence in Catholic Education that promotes student achievement and well-being. Trustees, as leaders 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.

- 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.
- Uphold the dignity of the office and conduct themselves in a professional manner that would not discredit or compromise the integrity of the Board.
- When acting or holding themselves as board member, 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.
- Not act as a spokesperson to the public on behalf of the Board unless authorized to do so by the Chair.
- Ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.
- Endeavour to participate in Trustee development opportunities to enhance their ability to fulfill their obligations.

Civil Behaviour

Catholic Trustees share in the responsibility for creating a positive environment that is safe, harmonious, comfortable, inclusive and respectful. As stewards of the system, Catholic Trustees are held to a high standard of conduct and as such, they shall:

- Respect and comply with all applicable federal, provincial and municipal laws.
- Uphold and abide by all Board policies, procedures, protocols and the Huron-Superior Catholic District School Board.
- Demonstrate honesty and integrity.
- Not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.
- 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.

Respect for 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, student and personnel information and/or legal matters and opinions. All Catholic Trustees shall:

- Not 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.
- Not 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.

- 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, form, 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.

Avoidance of Personal Advantage and Conflict of Interest

All Trustees are expected to comply with the provisions of the Municipal Conflict of Interest Act and identify when they have a direct, indirect, or deemed conflict of interest. Catholic trustees shall:

- Not use or permit the use of Board resources for any purpose other than the business of the Board.
- Not use information in a manner that would be detrimental to the interests of the Board or for the purpose of personal gain or for the gain of the member's parent, spouse or child.
- Not 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 his or her duties unless:
 - The gift is of nominal value;
 - The gift is given as an expression of courtesy or hospitality, and
 - Accepting the gift is reasonable in the circumstances.
- Not use his or her office to obtain employment with the Board for the Trustee or a family member.

Upholding Decisions of the Board

Catholic Trustees must understand their role as a corporate body and the expectation that they may deliberate with many voices but must act as one. Trustees shall:

- Accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.
- Uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, if permitted by the Board's Rules of Order, can be brought by a Trustee.
- 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.
- Comply with Board policies, procedures, By-Laws, and Rules of Order.
- Recognize that 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 speak on behalf of the Board unless expressly authorized by the Chair of the Board or the Board to do so. 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 CODE OF CONDUCT

Identifying a Breach of the Code

- A Trustee who has reasonable grounds to believe that another 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
- 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.
- Any allegation of a breach of the Code must be brought to the attention of the Chair of the Board no later than six (6) weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.
- Any allegation of a breach of the Code of Conduct shall be investigated following the *Informal* or *Formal* Complaint Procedures, as the case may be.
- 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 the alleged breach to the Integrity Commissioner.
- It is expected that whenever possible, allegations of a breach of the Code of Conduct by a Trustee shall be investigated following the Informal Complaint Procedure. It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding his/her obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the *Formal Complaint Procedure*.

Chair/Presiding Officer

- The Code of Conduct applies equally to the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice-Chair of the Board.
- Each year two alternate Trustees shall be chosen by the Board to be used when the circumstance warrant that one or both Trustees are needed in place of the Chair and/or Vice- Chair of the Board to carry out any of the duties required under this Code of Conduct and Enforcement. In no circumstance shall the Trustee who brought the complaint of a breach of the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.
- Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or committee of the Board from exercising their power pursuant to s. 207(3) of the *Education Act* to *expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting*. For greater certainty, this may be done at the sole discretion of the Chair or Presiding Officer, as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.
- The Chair of the Board or Presiding Officer of any meeting of the Board or committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.
- The Chair of the Board or Presiding Officer shall follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures contained in any Policy or By- Law of the Board. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the *Enforcement of the Code of Conduct*, except for persistent improper use of the applicable rules of order by the Chair or Presiding Officer.

Informal Complaint Procedure

- The Chair of the Board, on his/her own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal written complaint) who alleges a breach of the Code has occurred, may meet informally with a Trustee of the Board who is alleged to have breached the Code, to discuss the breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour. The Informal Complaint Procedure is conducted in private.
- The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation *Professional Development Program for School Board Trustees*. If the Chair of the Board and the Trustee alleged to have breached this Code cannot agree

on a remedy, then a formal complaint may be brought against the Trustee alleged to have breached this Code and that complaint will be dealt with in accordance with the Formal Complaint Procedure below.

- The result of the informal complaint procedure will be communicated to the Trustee who brought the alleged breach forward to the Chair.

Formal Complaint Procedure

Formal Notification of Alleged Breach

- A formal notification of an alleged breach of a Board's Code of Conduct shall be provided to:
 - The vice-chair, if the notice relates to the conduct of the chair;
 - Another member of the board who is neither the complainant nor the subject of the complaint, if the notice relates to the conduct of both the chair and vice-chair; and
 - In all other situations, the chair.
- A member of the board who gives notification of an alleged breach of the Board's Code of Conduct shall provide a copy of the notification to the Director of Education.
- The notification alleging a breach of the Board's Code of Conduct shall include a written, signed complaint setting out the following:
 - The name and contact information of the member alleging the breach;
 - The name and contact information of the member whose conduct is the subject of the notification;
 - The date of the alleged breach;
 - A description of the alleged breach; and
 - The provision of the Code of Conduct that was allegedly breached.
- Except as provided below, if a written complaint is filed with the Chair of the Board then a formal inquiry shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Complaint Procedure.
- In an election year for Trustees, a code of conduct complaint respecting a Trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.
- The chair shall provide to all Trustees of the Board a confidential copy of the complaint within ten (10) days of receiving it. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code.
- If the alleged breach cannot be settled by the Board within 20 days, a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, led by an Integrity commissioner as outlined in *Ontario Regulation 306/24 Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct* (effective January 1, 2025).
- The Board will appoint an integrity commissioner from a roster of candidates

established by the Ministry. If the roster has not yet been established, school boards will appoint an integrity commissioner who has the qualifications, as set out in Ontario Regulation 306/24.

- The Board shall pay all fees charged by an appointed integrity commissioner.
- The integrity commissioner will define the scope of and complete the investigation.
- 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 of reply, where appropriate.
- 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.
- If the Trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal inquiry, the formal inquiry will continue in his/her absence.

Refusal to Conduct Formal Inquiry

If the integrity commissioner is of the opinion that the complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, they shall prepare a confidential report to all the Trustees of the Board stating their opinion and the rationale for it. The Trustee who is alleged to have breached the Code of Conduct shall not vote on the resolution. If the opinion is adopted by the Board of Trustees a formal inquiry shall not be conducted.

If an allegation of a breach of the Code of Conduct on its face is with respect to the non-compliance with a more specific Board Policy with a separate complaint procedure, the allegation shall be processed under that procedure.

Suspension of Formal Inquiry

If the integrity commissioner, when conducting the formal inquiry, discovers that the subject-matter of the formal inquiry is being investigated by police, that a charge has been laid, or is being dealt with in accordance with a procedure established under another *Act*, the formal inquiry shall be suspended until the police investigation, charge or matter under another Act has been finally disposed of. This shall be reported to the rest of the Board of Trustees.

Decision of the Integrity Commissioner

- The final report from the integrity commissioner shall be shared with the Board of Trustees, as soon as practical after receipt of the final report by the Chair of the Board.
- The determination of a breach of the Code of Conduct and the imposition of a sanction by the integrity commissioner with respect to a complaint investigated in accordance with the Formal Complaint Procedure must be done by resolution of the Board at a meeting of the Board, and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting. The

reasons for the decision shall be recorded in the minutes of the meeting. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees of the Board present and voting.

- Despite s. 207 (1) of the *Education Act*, the part of the meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207(2) (a) to (e) being:
 - The security of the property of the Board;
 - The disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;
 - The acquisition or disposal of a school site;
 - Decisions in respect of negotiations with employees of the board; or
 - Litigation affecting the board.
- The Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to accept the integrity commissioner's decision as to whether or not there is a breach or the imposition of a sanction. The Trustee who brought the complaint to the attention of the Board may vote on those resolutions.
- The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but shall not participate in the deliberations, and shall not be required to answer any questions at that meeting.
- The Trustee who is alleged to have breached the Code of Conduct shall not in any way, after the final report is completed by the Integrity Commissioner, influence the vote on the decision of breach or sanction, except as permitted below after these decisions have been made.

Sanctions

If the integrity commissioner determines that the Trustee has breached the Board's Code of Conduct, they may impose sanctions, including:

Barring a Trustee from exercising the privileges of the office, including but not limited to:

- Censure of the Trustee.
 - Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
 - Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.
 - Barring the Trustee from becoming the Chair or Vice-Chair of the Board.
 - Any other sanction that in the opinion of the integrity commissioner is reasonable and appropriate in the circumstances.
- Reducing the member's honorarium by up to 25% of a trustee's base and enrollment amount for the year, requiring the Trustee to return any excess already paid to the member and authorizing the Board to recover the excess from the Trustee.
 - The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat

vacant.

- 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 members of the public.
- The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the *Education Act* regarding absences from meetings.

Notice of Appeal

- 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 shall make a written appeal submission to the Board no later than 15 business days after receiving the notice of the integrity commissioner's determination.

Appointment of Appeal Panel

- The Deputy Minister of Education or their delegate will appoint a panel of three integrity commissioners, no later than 15 business days after the receipt of the notice of appeal.
- One of the integrity commissioners shall be named 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 of the appointment of the panel and the requirements for the written appeal submission.

Written Appeal Submissions

- The panel will hear the appeal in writing.
- The Trustee who is appealing will provide written submissions to the appeal panel and the Trustee who reported the alleged breach of the Code of Conduct no later than 20 business days after receiving notice that the panel has been appointed.
- The Trustee who reported the alleged breach of the Code of Conduct will provide written submissions to the panel and the appealing Trustee no later than 20 business days after receiving the submission of the appealing Trustee.
- The appealing Trustee will provide their written reply to the Trustee who reported the alleged breach of the Code of Conduct no later than 10 business days after receiving the reporting Trustee's submissions.
- The chair of the panel may extend any timeline set out above at the written request of a party in order to provide for the fair, just and expeditious resolution of the appeal.
- A decision to extend a timeline will be provided in writing and a copy of the

decision will be provided to the Deputy Minister.

Appeal Panel Consideration and Decisions

- The panel will convene to consider the appeal at such times and in such places as they determine.
- The panel may be convened by electronic means.
- The panel may,
 - Define or narrow the scope of the appeal;
 - Limit the length of submissions from the parties;
 - Make interim decisions and orders; and
 - On its own motion and without holding a hearing, dismiss an appeal as frivolous or vexatious or commenced in bad faith.
- The panel's decision is final.
- The chair of the panel shall notify the parties of any decisions made by the panel.
- The panel shall provide its decision and its reasons, including any dissent, to the parties in writing no later than 30 business days after receiving the submission from Trustee who reported the breach.
- The panel shall provide a copy of the decision, reasons and dissent to the Deputy Minister.

REVIEW OF THE CODE OF CONDUCT

- The Trustee Code of Conduct, in addition to an archive of all previous versions of the Code of Conduct will be made publicly available on its website.
- The Catholic Board shall review its Code of Conduct for, among other things, compliance with Regulation 312/24 and shall pass a Board resolution setting out the required changes, or if not 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 in previous review, no later than May 13th in that year.
- If 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.

ACKNOWLEDGEMENT AND UNDERTAKING

I confirm that I have read, understand and agree to abide by the Board's Code of Conduct and the Enforcement Procedures.

DATE: ►

SIGNATURE: _____

Please Print Name: _____

This Procedural Guideline is based on the Ontario Public School Boards' Association (OPSBA) Trustee Code of Conduct template and reflective of legislative changes to the following:

- O. Reg. 306/24 Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct (effective January 1, 2025)
- O. Reg. 312/24: Members of School Boards – Code of Conduct
- O. Reg. 306/24: Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct
- O. Reg. 357/06: Honoraria for Board Members