CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO
www.cdsbeo.on.ca

BOARD POLICY

Our Board Vision

Inspired by the teachings of Jesus Christ, we transform the world with justice and peace through Catholic education.

Our Board Mission Statement

We proclaim our Catholic faith by: Nurturing and celebrating the hearts, minds, bodies, and souls of our students. Learning through faith, living with hope, loving in Christ. Teaching wisdom, teaching love… creating a world in God's Image.

CDSBEO Strategic Plan 2020-2025

Purpose:

1. A Catholic Trustee holds a particular trust for the students, staff, and families served by the board. As such, all Catholic Trustees are held to a particular account, one that is held in the teachings of Jesus and enacted in the common good.

2. A Catholic Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Catholic Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

3. A code of conduct policy contributes to confidence in public education and respect for the integrity of Catholic Trustees in the community. It deals with acceptable and respectful behaviours.

Application:

4. This Code of Conduct and the Enforcement Procedures apply to all Catholic Trustees of the Board, including the Chair of the Board and student Catholic Trustees.

April 2006 – Res. No. 06-04-115
Revised – August 2024 (Resolution No. 24-08-442)

Code of Conduct

Integrity and Dignity of Office

5. Catholic Trustees of the Board shall comply with the board's code of conduct and any applicable board by-law, resolution, policy, or procedure.

6. When acting or holding themself out as a board member, the Catholic Trustees of the Board shall conduct themselves in a manner that would not discredit or compromise the integrity of the board.

7. When acting or holding themself out as a board member, the Catholic Trustee of the Board 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.

8. Catholic 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.

9. Catholic 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.

10. Catholic Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.

11. Catholic Trustees shall endeavour to participate in Catholic Trustee development opportunities to enhance their ability to fulfill their obligations.

Prohibitions

12. No Catholic Trustee of the Board shall use or permit the use of board resources for any purpose other than the business of the board.

13. No Catholic Trustee of the Board shall disclose confidential information obtained or made available to them in their role as a Catholic Trustee of the Board except as authorized by law or by the board.

14. No Catholic Trustee of the Board shall use the above 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.

15. No Catholic Trustee of the Board 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 member when performing their duties unless,

    a. the gift is of nominal value,

    b. the gift is given as an expression of courtesy or hospitality, and

    c. accepting the gift is reasonable in the circumstances.

Compliance with Legislation

13. A Catholic Trustee of the Board shall discharge his or her duties in accordance with the *Education Act* and any regulations, directives, or guidelines thereunder and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, and any other relevant legislation, including Reg. 312/24

14. Every Catholic Trustee of the Board shall uphold the letter and spirit of this Code of Conduct.

15. Every Catholic Trustee shall respect and understand the roles and duties of the individual Catholic Trustees, Board of Trustees, the Director of Education, and the Chair of the Board.

Civil Behaviour

16. No Catholic Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Board.

17. A Catholic Trustee of the Board shall 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 Catholic Trustee of the Board.

18. When expressing individual views, Catholic Trustees shall respect the differing points of view of other Catholic Trustees on the Board, staff, students, and the public.

19. Catholic Trustees shall at all times act with decorum and shall be respectful of other Catholic Trustees of the Board, staff, students and the public.

20. All Catholic Trustees of the Board shall endeavour to work with other Catholic Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

Respect for Confidentiality

21. Every Catholic Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.

22. No Catholic Trustee shall use confidential information for either personal gain or to the detriment of the Board.

23. Catholic Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Catholic Trustee becomes aware of because of his or her position, except when required by law or authorized by the Board to do so.

Upholding Decisions

24. All Catholic Trustees of the Board shall accept that authority rests with the Board, and that a Catholic Trustee has no individual authority other than that delegated by the Board.

25. Each Catholic Trustee shall uphold the implementation of any Board resolution after it is passed by the Board.

26. A Catholic Trustee should be able to explain the rationale for a resolution passed by the Board. A Catholic Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.

27. Each Catholic Trustee shall comply with Board policies, procedures, By-Laws, and Rules of Order.

28. The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Catholic Trustee shall speak on behalf of

the Board unless expressly authorized by the Chair of the Board or Board to do so. When individual Catholic 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

29. A Catholic Trustee who has reasonable grounds to believe that a Catholic 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.

30. Any allegation of a breach of the Code must be brought to the attention of the Chair of the Board [or committee of the board] no later than six (6) weeks after the breach comes to the knowledge of the Catholic 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.

31. Any allegation of a breach of the Code of Conduct shall be investigated following the *Informal* or *Formal* Complaint Procedures below, as the case may be.

32. It is expected that whenever possible, allegations of a breach of the Code of Conduct by a Catholic 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 Catholic Trustee to a breach of the Code is to assist the Catholic Trustee in understanding his/her obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Catholic Trustee should be investigated following the *Formal Complaint Procedure*.

Chair/Presiding Officer

33. 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.

34. Each year two alternate Catholic Trustees [alternate committee of the board] shall be chosen by the Board to be used when the circumstance warrant that one or both Catholic

Trustees are needed in place of the Chair and/or Vice- Chair of the Board [committee of the board] to carry out any of the duties required under this Code of Conduct and Enforcement. In no circumstance shall the Catholic Trustee who brought the complaint of a breach of the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.

35. 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 Catholic Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.

36. 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 Catholic Trustee's opinion or views.

37. 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 Catholic 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 Catholic Trustees, all Catholic 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

38. The Chair of the Board [committee of the board], on his/her [its] own initiative, or at the request of a Catholic 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 Catholic 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 Catholic Trustee and to discuss remedial measures to correct the offending behaviour. The Informal Complaint Procedure is conducted in private.

39. The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Catholic 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 Catholic Trustees*. If the Chair of the Board [committee of the board] and the Catholic Trustee alleged to have breached this Code cannot agree on a remedy, then a formal complaint may be brought against the Catholic Trustee alleged to have breached this Code and that complaint will be dealt with in accordance with the Formal Complaint Procedure below.

Formal Complaint Procedure

40. A Catholic Trustee who has reasonable grounds to believe that another Catholic Trustee of the Board has breached the Board's Code of Conduct may bring the breach to the attention of the Board by first providing to the Chair of the Board [committee of the board], a written, signed complaint setting out the following: (i) the name of the Catholic Trustee who is alleged to have breached the Code; (ii) the alleged breach or breaches of the Code; (iii) information as to when the breach came to the Catholic Trustee's attention;(iv) the grounds for the belief by the Catholic Trustee that a breach of the Code has occurred; and (v) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach. Except as provided below, if a written complaint is filed with the Chair of the Board [committee 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.

41. In an election year for Catholic Trustees, a code of conduct complaint respecting a Catholic 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 Catholic Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Catholic Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended, as necessary.

42. The Chair of the Board [committee of the board] shall provide to all Catholic 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 Catholic Trustees for a decision as to whether or not the Catholic Trustee has breached this Code.

Refusal to Conduct Formal Inquiry

43. If the Chair and Vice-Chair of the Board [committee of the board or outside consultant] are 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 Catholic Trustees of the Board stating their opinion and the rationale for it. The Catholic 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 Catholic Trustees a formal inquiry shall not be conducted.

44. If the Chair and Vice-Chair of the Board cannot agree on the above then a full formal inquiry shall be conducted.

45. 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.

Steps of Formal Inquiry

46. If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Chair and Vice-Chair of the Board [committee of the board or outside consultant], if appropriate, or any two of the Chair, Vice-Chair and the alternate Catholic Trustees, or an outside consultant chosen by the Chair and Vice-Chair [the whole board of Catholic Trustees].

47. Regardless of who undertakes the formal inquiry the following steps shall be followed.

48. The *Statutory Powers Procedure Act* does not apply to anything done regarding the Enforcement of this Code of Conduct. No formal trial-type hearing will be conducted.

49. Procedural fairness shall govern the formal inquiry. The formal inquiry will be conducted in private.

50. The formal inquiry may involve both written and oral statements by any witnesses, the Catholic Trustee bringing the complaint and the Catholic Trustee who is alleged to have breached the Code of Conduct.

51. The Catholic Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in a private meeting with the person(s) undertaking the formal inquiry and in writing.

52. It is expected that the formal inquiry will be conducted within 90 calendar days of the receipt of the written response to the complaint. If a longer period of time is required to complete the inquiry, the reason for the extension shall be explained in the final report to the Board. The Catholic Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within 10 days of receiving the written allegation, or such extended period of the time as the investigators deem appropriate in the circumstance.

53. If the Catholic 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.

54. The final report shall outline the finding of facts and a recommendation or opinion as to whether the Code of Conduct has been breached.

55. If the Chair and Vice-Chair of the Board when conducting the formal inquiry cannot agree on the final finding of facts, it shall be referred to an outside investigator to complete the formal inquiry.

Suspension of Formal Inquiry

56. If the investigators, when conducting the formal inquiry, discover 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 Catholic Trustees.

Decision

57. The final report shall be delivered to the Board of Catholic Trustees, and a decision by the Board of Catholic Trustees as to whether or not the Code of Conduct has been breached and the sanction, if any, for the breach shall be made as soon as practical after receipt of the final report by the Board.

58. Catholic Trustees shall consider only the findings in the final report when voting on the decision and sanction. No Catholic Trustee shall undertake their own investigation of the matter.

59. If the Board of Catholic Trustees determine that there has been no breach of the Code of Conduct or that a contravention occurred, although the Catholic Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed.

60. The determination of a breach of the Code of Conduct and the imposition of a sanction 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 Catholic Trustees of the Board present and voting.

61. 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:

    (a) the security of the property of the board;

    (b) 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;

    (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.

62. The Catholic Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction. The Catholic Trustee who brought the complaint to the attention of the Board may vote on those resolutions.

63. The Catholic 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.

64. The Catholic Trustee who is alleged to have breached the Code of Conduct shall not in any way, after the final report is completed, influence the vote on the decision of breach or sanction, except as permitted below after these decisions have been made.

Sanctions

65. If the Board determines that the Catholic Trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions:

(a) Censure of the Catholic Trustee.

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

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

66. 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 Catholic Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Catholic Trustee's seat vacant.

67. A Catholic 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.

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

Reconsideration

69. If the Board determines that a Catholic Trustee has breached the Board's Code of Conduct the Board shall,

(a) give the Catholic Trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board;

(b) the notice shall inform the Catholic 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 fourteen (14) days after the notice is received by the Catholic Trustee; and

(c) consider any submissions made by the Catholic Trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received.

70. If the Board revokes a determination, any sanction imposed by the Board is revoked.

71. If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary, or revoke the sanction.

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

73. The Board decisions to confirm or revoke a determination or confirm, vary, or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public. Both resolutions shall be decided by a vote of at least 2/3 of the Catholic Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination. The Board shall provide to the Catholic Trustee alleged to have breached the Code of Conduct written notice of the decision to confirm or revoke the determination together with reasons for the decision and written notice of any decision to confirm, vary or revoke a sanction. The Catholic Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. The Catholic Trustee who brought the complaint may vote.

74. The Catholic Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but may not participate in the deliberations and shall not be required to answer any questions at that meeting.

75. If appropriate, the original sanction may be stayed pending the reconsideration by the Board of the determination or sanction.

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: _____