



**DURHAM CATHOLIC
DISTRICT SCHOOL BOARD**
Learning and Living in Faith

Trustee Code of Conduct

Our Mission

To be an inclusive Catholic learning community that inspires every student to achieve their full potential through faith and education.

Catholic Faith, Community and Culture

Each Durham Catholic District School Board Trustee (“Trustee”) as an extension of the Church’s ministry shall, within the duties prescribed in the *Education Act*, Regulations and other applicable statutes:

- recognize and affirm that Catholic schools are an expression of Catholic Church teachings;
- model in word and deed their commitment to the teachings of the Church;
- provide a Catholic education consistent with programs approved by the Canadian Conference of Catholic Bishops and the provincial Minister of Education;
- defend the constitutional right of Catholic education and the democratic and corporate authority of the Board;
- respect the confidentiality of the Board;
- conduct the affairs of the Board with a spirit of collaboration, openness, justice and compassion;
- commit to improve personal knowledge of current Catholic educational research and practices subject to Board policy;
- affirm the development of Christian Catholic Community; and
- provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic education.

Integrity and Dignity of Office

Holding positions of public trust and confidence, Trustees shall:

- discharge their duties and responsibilities professionally, ethically, with integrity, and in a manner that is consistent with Gospel values, the teachings of the Catholic Church, the *Education Act* and Regulations, the *Municipal Freedom of Information and Protection of Privacy Act* and Regulations, the *Municipal Conflict of Interest Act*, and other applicable statutes, as well as the Board's By-laws, Policies, Procedures, resolutions and this Code of Conduct;
- act in the best interests of the Durham Catholic District School Board, taking into account members of the public and stakeholders served by the DCDSB;
- commit to excellence in Catholic education by promoting student achievement and well-being through the delivery of effective and appropriate education programs and effective stewardship of the board's resources.

Civil Behaviour

Sharing in the responsibility to create a positive governance environment that is safe, inclusive and respectful, Trustees shall, when acting or holding themselves out as a board member:

- act with decorum and be respectful of other Trustees, the Director of Education, staff, all members of the Durham Catholic District School Board community and the public;
- serve as role models of exemplary behaviour reflective of the values articulated in the Ontario Catholic School Graduate Expectations, including but not limited to:
 - respecting all applicable federal, provincial and municipal laws;
 - adhering to Robert's Rules of Order;
 - demonstrating honesty and integrity, respecting differences in people, their ideas, and their opinions, treating one another with dignity and respect at all times, and especially when there is disagreement;
 - respecting and treating others fairly and 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;
 - conducting themselves in a manner that would not discredit or compromise the integrity of the Board.

- be prepared for meetings, avoiding at all times unnecessary disruptions and refraining from engaging in conduct that contributes to a tone of sarcasm or denigration;
- adhere to the Acceptable Use Policy with respect to on-line communications and demonstrate professionalism in communication with stakeholders and other community members;
- comply with all policies of the board;
- notwithstanding the right of individual trustees to debate a motion before the Board, and personally disagree with a decision of the Board, a Trustee shall publicly uphold resolutions approved by the Board and at all times refrain from making disparaging or offensive remarks.

Complying with Legislation

Individual Trustees shall comply with the duties of Board members, including but not limited to those set out in section 218.1 of the *Education Act*, which states that:

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) consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1(1)(f);*
- (d) use appropriate communication protocols to bring concerns of parents, students and supporters of the board to the attention of the board;*
- (e) uphold the implementation of any board resolution after it is passed by the board;*
- (f) entrust the day-to-day operations and management of the board to its staff through the Board's Director of Education;*
- (g) maintain focus on student achievement and well-being through the development of policies; and*
- (h) comply with the Board's code of conduct.*

Upholding Decisions

As the governing body of a corporation, Trustees understand that they may deliberate with many voices but must govern as one. Trustees shall therefore:

- accept that authority rests with the Board of Trustees and that an individual Trustee has no independent authority to make decisions or act on behalf of the Board, except as specifically delegated by resolution of the Board;
- uphold the implementation of any Board resolution after it is passed by the Board;
- comply with Board policies and procedures; and
- refrain from speaking on behalf of the Board unless authorized by resolution of the Board to do so.

Avoidance of Personal Advantage and Conflict of Interest

Trustees are subject to the *Municipal Conflict of Interest Act*, and in addition are 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.

The *Act* holds a Trustee to the standard of an independent and trusted decision-maker. Only the Trustee may declare that their own interest is in conflict with the interest of the Board.

Where a Trustee, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest in any matter, whether direct or indirect, as defined by the *Municipal Conflict of Interest Act*, and the Trustee is present at a meeting of the Board or Committee at which the matter is the subject of consideration, the Trustee:

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Where the meeting *in camera*, the Trustee shall, in addition to complying with the requirements herein, forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

Where the interest of a Trustee has not been disclosed as required by reason of the Trustee's absence from the meeting, the Trustee shall disclose the interest and

otherwise comply with this Code of Conduct at the next Board or Committee meeting, as the case may be, at which they are in attendance.

The pecuniary interest, direct or indirect, of a parent or the spouse or any child of the Trustee shall, if known to the Trustee, be deemed to be also the pecuniary interest of the Trustee and must be so declared.

Where a declaration of an interest is made at a meeting open to the public, the Secretary shall record the declaration of the interest and the nature thereof in the minutes. Where the meeting is not open to the public, the Secretary shall record the declaration but not the nature of the interest in the minutes of the next public meeting of the board.

At a meeting at which a Trustee discloses an interest, or as soon as possible thereafter, the Trustee shall also file a written statement of the interest and its general nature with the Secretary of the Board. The Board shall establish and maintain a registry in which it will keep a copy of each statement of interest filed with the Secretary, and a record of each declaration of an interest. The register shall be available for public inspection.

Where a Trustee, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the board, or by a person or body to which the board has delegated a power or duty, the Trustee is also prohibited from using their office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

Perceived or Potential Conflict of Interest

DCDSB Trustees are responsible for maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the Board. Trustees must not therefore 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, or in any manner conflict with the interests of the Board.

Under the *Municipal Conflict of Interest Act*, there is no requirement that a Trustee act on the basis of a perceived conflict of interest. However, each Trustee must evaluate whether or not their judgment and decision-making could be conflicted by other interests and whether a particular decision made as a Trustee could result in a personal advantage. If so, they should refrain from acting in that matter.

A Trustee who questions whether a fellow Trustee has a conflict of interest, or is sensitive to the potential perception of a conflict of interest, may raise the matter respectfully and informally with the potentially conflicted Trustee, but may not declare a conflict on that Trustee's behalf, or assert that the Trustee should be denied the opportunity to participate in discussion or cast a vote.

No board member 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,

- i. the gift is of nominal value,
- ii. the gift is given as an expression of courtesy or hospitality, and
- iii. accepting the gift is reasonable in the circumstances.

Where a Trustee is not confident in their assessment of whether or not they have a conflict, they may choose to seek a separate legal opinion from their own legal counsel.

When is an Interest Not a Conflict

The Trustee's interest does not constitute a conflict with the interests of the Board when:

- (a) the Trustee's pecuniary interest is common to the general electorate;
- (b) the interest is so insignificant or remote in nature that it could not reasonably be regarded as likely to influence the Trustee in the exercise of their responsibilities.

A competing interest giving rise to a conflict must also be distinguished from personal bias. It is assumed that in meeting statutorily defined board responsibilities Trustees may be biased by their values, experiences and individual assessment of policy priorities. Personal differences may lead to varying but valid interpretations of the Board's best interests. Such differences of opinion are inherent to the governance process and are intended to be resolved by the application of *Robert's Rules of Order*, the Board's By-law, and adherence to this Code of Conduct. However, a personal bias or opinion does not in and of itself constitute a conflict of interest as defined by the *Municipal Conflict of Interest Act* or this Code of Conduct.

Lobbying

In the interests of fair and transparent procurement practices and in compliance with the *Broader Public Sector Procurement Act*, Trustees have an obligation to:

- i. report any inquiries or communications for the purpose of influencing the procurement of goods and services and the awarding of contracts to the Director of Education;
- ii. refrain from communicating with anyone during a procurement process and abstain from exercising their influence to gain or advance the interests of any individual or group during such a process.

Respect for Confidentiality

No Trustee shall disclose confidential information obtained or made available to them in their role as a Board Member except as authorized by law or by the Board. No board member shall use such confidential 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. Recognizing that protecting the confidential information of the DCDSB is a fiduciary duty of every Trustee, each Trustee shall abide by the confidentiality agreement attached hereto as Appendix A.

Respect for Board Resources

Trustees shall not use Board resources for any purpose other than the business of the Board. Without limiting the generality of the foregoing, no Trustee shall use the resources of the Board for personal gain, and shall not permit their 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 breach of trust contrary to section 122 of the Criminal Code (Canada). All Trustees shall comply with Board Policies and General Administrative Procedures regarding the use of Board resources, including information technology resources.

Respect for Board Staff

Trustees shall model respect for and deference to the roles and responsibilities of Board staff. Recognizing that a Trustee's workplace is in the boardroom, a Trustee shall not attempt to influence staff decision-making or staff activities outside the boardroom.

Trustees shall in particular demonstrate sensitivity to weight of their office if it is necessary to address a school issue concerning the Trustee's child. Where another parent cannot communicate on behalf of the family, a Trustee shall ensure that all electronic and telephone communications are sent to and from a personal address or phone, and that the Trustee's occupation of the office remains as removed as possible from interactions with their child's school.

For greater clarity, any attempt to use the weight of the office of Trustee to gain personal advantage for a family member, or to advance a matter of interest or policy outside the boardroom, will be deemed to be an exercise of undue influence, a misuse of the office of Trustee, and contravention of this Code of Conduct.

ENFORCEMENT OF CODE OF CONDUCT

An alleged breach of this Code of Conduct shall be addressed in accordance with the procedures set out in the paragraphs that follow.

NOTICE

A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may notify the following persons in writing of the alleged breach:

- (a) the Vice-Chair, if the notice relates to the conduct of the Chair;
- (b) another Trustee, 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;
- (c) In all other situations, the Chair.

A Trustee who submits a written notification of an alleged breach of the Code (the "Complainant") shall provide a copy of the notification to the Director of Education.

A person receiving a written notification of an alleged breach shall immediately provide a copy of the notice to the Trustee who is alleged to have breached the Code (the "Respondent").

A written notification alleging a breach of the code of conduct shall include,

- (a) the name and contact information of the member alleging the breach;
- (b) the name and contact information of the Trustee whose conduct is the subject of the notification;
- (c) the date of the alleged breach;
- (d) a description of the alleged breach; and
- (e) the provision of the Code of Conduct that was allegedly breached.

INFORMAL RESOLUTION

The Complainant and Respondent Trustees shall attempt to resolve the matter informally.

With the consent of both Trustees, the Chair, Vice Chair, or an external third party, may be invited to assist with the resolution process.

Informal resolution may involve a review of the facts, an exchange of evidence, if any, and a discussion of possible remediation steps, which could include additional training opportunities, restitution measures, an apology, if warranted, and/or such other measures as the Complainant and Respondent may agree.

The Complainant and Respondent will make best efforts to resolve the matter, taking into account the DCDSB Mission, Vision and Values, the principles to which Trustees have committed in the Board and Trustee Codes of Conduct, and the time and cost of an investigation by an Integrity Commissioner.

If the complaint cannot be resolved informally within twenty (20) business days of the providing a copy of the notice to the Respondent Trustee, the person to whom the notice was originally given shall refer the matter to an Integrity Commissioner.

INTEGRITY COMMISSIONER

If the Minister of Education has created a roster of Integrity Commissioners, the person appointed by resolution of the Board shall be from the roster.

If the Minister has not created a roster, an Integrity Commissioner who meets the qualifications criteria outlined in Regulation 306/24 shall be appointed by resolution of the Board.

In selecting an Integrity Commissioner, the Board shall take into account experience, availability, and cost.

INVESTIGATION

The Integrity Commissioner appointed by the Board shall conduct an investigation into the alleged breach of the Board's Code of Conduct, to commence no later than fourteen (14) days after their appointment.

The Integrity Commissioner may refuse to conduct an investigation if:

- (a) The complaint was submitted more than sixty (60) days after the later of the date that the alleged breach occurred, or was discovered,¹ unless the Integrity Commissioner is satisfied that the delay was in good faith and no substantial prejudice will result to any person affected by the delay; or
- (b) In the opinion of the Integrity Commissioner, the complaint is made in bad faith, or is frivolous or vexatious,

A breach is deemed to have been discovered on the earlier of:

- (a) The day on which the Trustee notifying the Board first knew that the breach had occurred; and
- (b) The day on which a reasonable person with the abilities and in the circumstances of the Trustee notifying the Board ought to have known of the occurrence.

¹ If a breach relates to a series of incidents the 60-day period runs from the day the last incident in the series was discovered.

The decision of the Integrity Commissioner to refuse to conduct an investigation is final.

In conducting their investigation, the Integrity Commissioner shall have the power to:

- (a) Require the production of any records that may in any way relate to the investigation;
- (b) Examine and copy any such records; and
- (c) Require any officer of DCDSB, or any other person, to appear before them and give evidence, on oath or affirmation, relating to the investigation.

Section 33 of the *Public Inquiries Act, 2009* shall apply to an investigation under this Code.

DECISION

The Integrity Commissioner shall make a determination with respect to the alleged breach of the Code of Conduct no later than ninety (90) days after commencing the investigation, unless the Integrity Commissioner notifies the Board and the Respondent Trustee that an extension is necessary, and the reasons for the extension.

SANCTIONS

If the Integrity Commissioner determines that the Board's Code of Conduct has been breached, the Integrity Commissioner may impose one or more of the following sanctions:

- (a) **Censure:** The trustee is reprimanded
- (b) **Reduction of Honorarium:** the Trustee's honorarium may be reduced by up to 25% of the Trustee's combined base and enrollment amount for the year of the term of office in which the breach occurred, and the Trustee may be ordered to repay any amount already received for that year.
- (c) **Barring from meetings:** The Trustee may be barred 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 up to a maximum of ninety (90) days, or the balance of the Trustee's term, whichever is less.
- (d) **Barring from committees:** The Trustee may be barred from sitting on one or more committees of the Board, for up to ninety (90) days, or the balance of the Trustee's term, whichever is less.
- (e) **Barring from Chair/Vice Chair:** The Trustee may be barred from becoming Chair or Vice Chair of the Board, or of any committee of the Board, or removed from such a position if the position is already held.
- (f) **Barring from Representing the Board:** The Trustee may be barred from exercising the privileges of a Board member or from acting as a Board representative, or removed from such a position if it is already held.

- (g) **Other:** The Trustee may be subject to any other sanction that in the opinion of the Integrity Commissioner is reasonable and appropriate under the circumstances, and/or would promote compliance with the Board's Code of Conduct.

A Trustee who is barred from attending a meeting or part of a meeting is not entitled to receive any materials that relate to that meeting, or that part of the meeting, from which they are barred, except such materials as are available to the general public.

The Integrity Commissioner shall provide the Respondent Trustee, and the Board of Trustees, written notice of their determination as to whether or not there was a breach of the Code, which shall include

- (a) the reasons for the determination;
- (b) the reasons for the sanctions, if any; and
- (c) information about the right to appeal the decision.

NOTICE OF APPEAL

Either the Board of Trustees, or the Trustee who has been found by an Integrity Commissioner to have breached the Code of Conduct, may appeal the determination, the sanctions, or both.

A decision by the Board of Trustees to appeal shall be by Board resolution. The Trustee found to have breached the Code may not participate in the vote.

The Board of Trustees and the Trustee found to have breached the Code shall be the parties to the appeal.

The Appellant shall give written notice of the appeal to the other party, and the Deputy Minister, no later than fifteen (15) business days after receiving written notice of the integrity commissioner's determination.

APPEAL PANEL

The Appeal shall be heard by a panel of three (3) Integrity Commissioners appointed by the Deputy Minister or delegate, and shall not include the Integrity Commissioner whose decision is under appeal.

WRITTEN APPEAL

Appeals shall be held in writing, as follows:

- (a) The appellant shall provide written submissions to the Appeal Panel and the respondent no later than twenty (20) business days after receiving notice that the Panel has been appointed.

- (b) The respondent shall provide written submissions to the Appeal Panel and the appellant no later than twenty (20) business days after receiving the appellant's submissions.
- (c) The appellant shall provide their written reply to the respondent's submissions no later than ten (10) business days after receiving the respondent's submissions.
- (d) The chair of the Appeal Panel may extend any of the above timelines at the written request of a party in order to provide for the fair, just and expeditious resolution of the appeal.
- (e) A decision to extend a timeline shall be provided to the parties in writing and a copy of the decision shall be provided to the Deputy Minister.

The Appeal Panel may,

- (a) define or narrow the scope of the appeal;
- (b) limit the length of submissions from the parties;
- (c) make interim decisions and orders; and
- (d) on its own motion, and without holding a hearing, dismiss an appeal as frivolous or vexatious or commenced in bad faith.

The chair of the Appeal Panel shall notify the parties of any decisions made by the panel with respect to the foregoing.

DECISION

The Appeal Panel shall provide its decision and its reasons, including any dissent, to the parties in writing no later than thirty (30) business days after receiving the respondent's submission.

The Appeal Panel shall provide a copy of the decision, reasons and dissent to the Deputy Minister.

If the Appeal Panel overturns the decision of the Integrity Commissioner, any sanction imposed by the Integrity Commissioner is revoked.

If the Appeal Panel upholds the decision of the Integrity Commissioner that there was a breach of the Code, the Panel may uphold, vary or overturn any sanctions imposed.

A decision of the Appeal Panel is final.

PUBLICATION

Subject to Section 207(2) of the *Education Act*, the Board shall publish the following on its website:

- (a) Notice that there has been a written allegation of a breach of the Code.
- (b) A decision by an Integrity Commission with respect to the alleged breach.

- (c) A decision by an Integrity Commission with respect to the imposition of a sanction.
- (d) A determination by an Appeal Panel.

Effective: June 30, 2021
Revised: March 27, 2023
Revised: August 19, 2024
Revised: January 27, 2025*

** Final version with amendments shared with Board of Trustees at the February 24, 2025, Regular Board Meeting.*



**DURHAM CATHOLIC
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Appendix A

Confidentiality Agreement

I _____, Trustee of the Durham Catholic District School Board understand that, as part of my duties as a Trustee that:

I 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/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. I have a duty to the DCDSB not to disclose any such information.

Except as required by law, I agree not to use, directly or indirectly, for my benefit or the benefit of any person, organization, firm, or other entity, the Board's proprietary or confidential information disclosed or entrusted to me, and recognize that such inappropriate use of confidential information for personal benefit or disclosed to others may constitute a breach of trust contrary to section 122 of the Criminal Code (Canada).

I will respect and comply with my responsibilities under the *Education Act* and *Municipal Freedom of Information and Protection of Privacy Act* to protect the privacy rights of students, parents/guardians and staff. As a member of the Board, I understand that I may only collect, use, disclose and store personal information in accordance with these Acts.

Further to the public nature of my role, I will be particularly mindful not to discuss confidential or personal information in public or where another student, parent, employee or member of the school community or public could accidentally overhear or read such information.

I acknowledge that my Trustee duty of confidentiality and protection of privacy survives my term as Trustee.

Trustee Signature

Date

Witness

Date