

## **LAKEHEAD DISTRICT SCHOOL BOARD**

### **Mission**

Lakehead Public Schools is committed to the success of every student

### **Vision**

Your Children Our Students The Future

### **Values**

Integrity, Acceptance, Responsibility, Empathy, and Respect

## **TRUSTEE CODE OF CONDUCT**

Lakehead District School Board Trustees (or “trustees”) recognize that they are community leaders who realize the future welfare of the community depends largely upon the quality of education provided in public schools to meet the needs of every learner.

Trustees recognize that they should deliberate in many voices and govern in one. Trustees will demonstrate leadership and accountability and will merit the trust of the public and of Board staff. Trustees recognize the importance of modelling the Lakehead District School Board values of Integrity, Acceptance, Empathy, Respect, and Responsibility.

### **Code of Ethics**

- Trustees shall ensure that students are considered first as the basis for all decision-making.
- Trustees shall accept that authority rests with the Board of Trustees and that a trustee has no individual authority outside the Board of Trustees and will abide by the majority decision of the Board of Trustees.
- Trustees shall express contrary points of view respectfully and honestly.
- Trustees shall ensure that remarks regarding Lakehead District School Board staff or fellow trustees are not demeaning, personal, or discouraging.
- Trustees shall maintain confidentiality of privileged information discussed in closed session as outlined in the Education Act.
- Trustees shall make decisions in a manner which is open, transparent, and equitable.
- Trustees shall approach all Board issues with an open mind and be prepared to make decisions based on what is best for Lakehead District School Board including to meet the needs of equity seeking groups.
- Trustees shall conduct Board business in accordance with Lakehead District School Board policies and procedures.

- Trustees shall ensure that their election to public office is not used for personal gain and shall adhere to conflict of interest legislation and guidelines.

### **Governance Principles**

- Trustees exist to govern in the best interest of Lakehead District School Board students and will maintain the focus on student achievement and well-being.
- Trustees represent and are accountable to students, parents, guardians, and the community.
- Trustees are responsible for the development and review of the Strategic Plan through its policies and procedures.
- The Board of Trustees has one employee directly responsible to it, the director of education, and entrust the day-to-day management of Lakehead District School Board to its staff through the Lakehead District School Board's director of education.
- Trustees hold the director of education accountable for the implementation of Lakehead District School Board policies and procedures.
- Trustees require information in an accurate and timely manner.

## **CODE OF CONDUCT**

### **PURPOSE**

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

Trustees' first responsibility is to the students, the parents and guardians in our school system, the employees and the communities we serve.

#### **Mission**

Lakehead Public Schools is committed to the success of every student

#### **Vision**

Your Children Our Students The Future

#### **Values**

Integrity, Acceptance, Responsibility, Empathy, and Respect

3. This Code of Conduct represents the commitment of the trustees to observe professional conduct that aligns with Lakehead District School Board's mission, vision, and values.  
Trustees will:
  - promote respect and nurture relationships for the good of Lakehead District School Board;
  - maintain focus on student achievement and wellbeing; and
  - abide by this Code of Conduct

### **APPLICATION**

4. This Code of Conduct and the enforcement procedures apply to all trustees of the Lakehead District School Board, including the chair of the Board.
5. This Code operates as a supplement to the existing statutes governing the conduct of trustees in all their roles. Trustees govern in accordance with provincial and federal legislation including the Education Act and Regulations, Municipal Freedom of Information and Protection of Privacy Act, Ontario Human Rights Code and Occupational Health and Safety Act.

### Integrity and Dignity of Office

6. Trustees shall discharge their duties loyally, faithfully, impartially, and in a manner that will inspire public confidence in the abilities and integrity of the Board.
7. Trustees shall recognize that the expenditure of Board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.
8. Trustees, as ethical leaders of the Lakehead District School Board will, at all times, uphold the dignity of the office and conduct themselves in a professional manner that will not discredit or compromise the integrity of Lakehead District School Board.
9. Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Lakehead District School Board staff or fellow trustees.
10. Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

### Avoidance of Personal Advantage and Conflict of Interest

11. No trustee shall accept a gift from any person or entity that has dealings with Lakehead District School Board if a reasonable person might conclude that the gift could influence the trustee when performing their duties to the Board. However, this does not, for example, preclude a trustee from accepting a free ticket or admission to a charitable event or professional development event.
12. No trustee shall use the influence of their office for any purpose other than for the exercise of their official duties. This includes using the influence of the office to obtain employment for a family member, or otherwise using one's status as a trustee to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.
13. Also prohibited, is the holding out of the prospect or promise of future advantage through a trustee's supposed influence within Lakehead District School Board in return for present actions or inaction. It includes refraining from using one's status to improperly influence the decision of another person to improperly prejudice another person(s).

### Compliance with Legislation

14. Trustees have the responsibility to competently protect the interests, and credibility of the Board, and shall act in accordance with all applicable laws, regulations, directives, guidelines and policies governing the Board and enacted by government.
15. Every trustee shall uphold the letter and spirit of this code of conduct.
16. Every trustee shall respect and understand the roles and duties of the individual trustees, Board of Trustees, the director of education, and the chair of the Board.

### Civil Behaviour

17. No trustees 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.
18. A trustee 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 trustee of the Board.
19. When expressing individual views, trustees shall respect the differing points of view of other trustees on the Board, students, staff, and the public.
20. Trustees shall, at all times, act with decorum and shall be respectful of other trustees of the Board, students, staff, and the public.
21. Trustees shall endeavour to work with other trustees of the Board and staff of Lakehead District School Board in a spirit of respect, openness, courtesy, and co-operation.
22. All trustees have a duty to treat members of the public, one another, and staff members respectfully and without abuse, harassment or intimidation. The Ontario Human Rights Code and associated Lakehead District School Board policies and procedures apply. Trustees are required to adhere to applicable Lakehead District School Board Operational By-Laws, policies, and procedures.

### Respect for Confidentiality

23. Every 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.

24. Trustees shall not use confidential information for either personal gain nor to the detriment of the Board.
25. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a trustee becomes aware of because of their position, except when required by law or authorized by the Board to do so.
26. No trustee shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the trustee's term of office.
27. Trustees should not access or attempt to gain access to confidential information in the custody or control of Lakehead District School Board unless it is necessary for the performance of their duties and the use and/or disclosure of the information is permitted in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

#### Upholding Decisions

28. Trustees shall accept that authority rests with the Board of Trustees, and that a trustee has no individual authority other than that delegated by the Board.
29. Each trustee shall 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 of the Board.
30. A trustee should be able to explain the rationale for a resolution passed by the Board. Trustees may respectfully state their position on a resolution, provided it does not in any way undermine the implementation of the resolution.
31. Each trustee shall comply with Lakehead District School Board policies, procedures, by-laws, and rules of order.
32. The chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No trustee shall speak on behalf of the Board unless expressly authorized by the chair of the Board or Board to do so. When a trustee expresses their opinion(s) 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**

33. A trustee who has reasonable grounds to believe that a trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the chair of the Board.
34. Any allegation of a breach of the Code of Conduct must be brought to the attention of the chair of the Board, as soon as possible, but no later than one year after the alleged breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code of Conduct be undertaken after the expiration of one year from the time the contravention is alleged to have occurred.
35. Any allegation of a breach of the Code of Conduct shall be investigated following the *Informal* or *Formal* Complaint Procedures.
36. 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 of Conduct 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 of Conduct is to assist the trustee in understanding their obligations under the Code of Conduct. Only serious and/or reoccurring breaches of the Code of Conduct by a trustee should be investigated following the *Formal Complaint Procedure*.

### **Chair/Presiding Officer**

37. The Code of Conduct applies equally to the chair of the Board. In the case of an allegation of a breach of the Code of Conduct by the chair, wherever a process requires action by the chair, it shall be modified to read the vice-chair of the Board.
38. Each year two alternate trustees shall be chosen by the Board of Trustees to be used when the circumstance warrants that one or both of the trustees are needed in place of the chair and/or vice chair of the Board to carry out any duties under this Code of Conduct and enforcement. Under no circumstance shall the trustee who brought the complaint of a breach of this Code of Conduct be involved in the formal inquiry into the complaint.
39. Nothing in this Code of Conduct 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 of Conduct.

40. 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.
41. 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**

42. The chair of the Board, on their 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 of Conduct has occurred, may meet informally with a trustee of the Board who is alleged to have breached the Code of Conduct, 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.
43. 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 of Conduct cannot agree on a remedy, then a formal complaint may be brought against the trustee alleged to have breached this Code of Conduct and that complaint will be dealt with in accordance with the Formal Complaint Procedure below.



## Formal Complaint Procedure

44. 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 breach to the attention of the Board by first providing to the chair of the Board , a written, signed complaint setting out the following:
- the name of the trustee who is alleged to have breached the code;
  - the alleged breach or breaches of the code;
  - information as to when the breach came to the trustee's attention;
  - the grounds for the belief by the trustee that a breach of the Code of Conduct has occurred;
  - the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach; and
  - 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*.
45. 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 of Conduct by that trustee shall be undertaken. The limitation period for bringing a complaint shall be extended, as necessary, up to six weeks past the Inaugural meeting.
46. The chair of the Board shall provide to all trustees a confidential copy of the complaint within ten business 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 of Conduct.

## Refusal to Conduct Formal Inquiry

47. If the Code of Conduct Committee is of the opinion that the breach is out of time, trivial, frivolous, vexatious, not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, an inquiry shall not be conducted and a confidential report stating the reasons for not doing so shall be provided to all trustees of the Board.
48. If an allegation of a breach of the Code of Conduct on its face is with respect to the noncompliance with a more specific Board Policy with a separate complaint procedure, the allegation shall be processed under that procedure.

## Steps of Formal Inquiry

49. If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Code of Conduct Committee of the Board (comprised of any three of the chair, the vice chair or alternate trustees) or, if appropriate, by an external consultant.
50. Regardless of who undertakes the formal inquiry, the following steps shall be followed.
51. 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.
52. Procedural fairness and the rules of natural justice shall govern the formal inquiry. The formal inquiry will be conducted in private.
53. The formal inquiry may involve both written and oral statements by any witnesses, the trustee bringing the complaint and the trustee who is alleged to have breached the Code of Conduct.
54. The 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 Code of Conduct Committee or external consultant undertaking the formal inquiry and in writing.
55. It is expected that the formal inquiry is normally conducted within ninety calendar days of the receipt of the response to the complaint. Once the formal inquiry is complete, the Code of Conduct Committee or external consultant shall provide a confidential draft copy of their report containing the findings of fact to the trustee who is alleged to have breached the Code of Conduct and the trustee who brought the complaint for their written comment to the Code of Conduct Committee. The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. These two trustees shall have ten business days, or such reasonable period of time as deemed appropriate by the Code of Conduct Committee, from the receipt of the draft report to provide a written response.
56. 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 their absence.
57. The final report shall outline the finding of facts, but not contain a recommendation or opinion as to whether the Code of Conduct has been breached. This will be determined by the Board of Trustees as a whole.

## **Suspension of Formal Inquiry**

58. If the Code of Conduct Committee or external consultant, 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 Trustees.

## **Decision**

59. The final report shall be delivered to the trustees, and a decision by the Board of 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.
60. Trustees shall consider only the findings in the final report when voting on the decision and sanction. No trustee shall undertake their own investigation of the matter.
61. If the Board of Trustees determines that there has been no breach of the Code of Conduct or that a contravention occurred, although the 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.
62. 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 two thirds of the trustees of the Board present and eligible to vote.

63. 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 Lakehead District School Board or a pupil or their parent or guardian;
    - the acquisition or disposal of a school site;
    - decisions in respect of negotiations with employees of Lakehead District School Board; or
    - litigation affecting the Board.
64. The 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 trustee who brought the complaint to the attention of the Board may vote on those resolutions.
65. 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.
66. The 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**

67. If the Board of Trustees determines that the trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions:
- 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; or
  - barring the member from sitting on one or more committees of the Board for the period of time specified by the Board.

68. The Board of Trustees 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.
69. 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.
70. 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.

### **Reconsideration**

71. If the Board of Trustees determines that a trustee has breached the Board's Code of Conduct the Board of Trustees shall:
  - give the trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board;
  - the notice shall inform the trustee that they 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 business days after the notice is received by the trustee; and
  - consider any submissions made by the trustee and shall confirm or revoke the determination or sanction within fourteen business days after the submissions are received.
72. If the Board of Trustees revokes a determination, any sanction imposed by the Board is revoked.
73. If the Board of Trustees confirms a determination, the Board shall, within the fourteen business days above, confirm, vary or revoke the sanction.
74. 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.

75. The Board of Trustees 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 two-thirds of the trustees present and eligible to vote. 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 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 trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. The trustee who brought the complaint may vote.
76. The 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.
77. If appropriate, the original sanction may be stayed pending the reconsideration by the Board of Trustees of the determination or sanction.

LAKEHEAD DISTRICT SCHOOL BOARD, TRUSTEE CODE OF CONDUCT,  
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: \_\_\_\_\_