

SCHOOL BOARD MEMBER (TRUSTEE) CODE OF CONDUCT

LAKEHEAD DISTRICT SCHOOL BOARD

The Code of Conduct is governed by the *Education Act* and Ontario Regulation 312/24: *Members of School Boards – Code of Conduct*, and supports implementation of Board-established bylaws, policies and procedures that set out the governance and accountability framework for Lakehead District School Board (LDSB). It applies to all Trustees of the Board, including the Chair of the Board and student trustees.

Lakehead District School Board 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.

Lakehead District School Board 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 modeling the Board values of Inclusion, Respect, Integrity, Empathy, and Responsibility.

Definitions

In this Trustee Code of Conduct, the following definitions apply:

“Confidential Information” means any non-public information relating to the business, operations, financial affairs, performance, assets, technology, processes, plans, personnel, students, and stakeholders of the Board.

“Conflict of Interest” means and includes a situation which financial or other personal considerations have the potential to compromise, or bias, professional judgment and objectivity. An apparent conflict of interest is one in which a reasonable person would think that the Trustee’s judgment is likely to be compromised.

A conflict of interest may exist when the decisions and/or actions of Trustees, during the course of exercising their duties, are affected by, or perceived by, another party or person to be affected by the Trustee’s personal, financial, or business interests, or the personal, financial, or business interests of a relative, friend, and/or business associate of the Trustee.

“Integrity Commissioner” means and individual as defined under OReg 306/24 of the *Education Act*.

“Parent” has the same meaning as in section 1 of the *Municipal Conflict of Interest Act*.

“Spouse” has the same meaning as in section 1 of the *Municipal Conflict of Interest Act*.

“Trustee” means a Trustee of the Lakehead District School Board. A Trustee is a Trustee within the meaning of Part VII of the *Education Act*.

1. Code of Ethics

- 1.1 Trustees shall ensure that students are considered first as the basis for all decision-making.
- 1.2 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.
- 1.3 Trustees shall express contrary points of view respectfully and honestly.
- 1.4 Trustees shall not make disparaging remarks about other Board trustees, administration, or employees.
- 1.5 No Board member 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.
- 1.6 Trustees shall make decisions in a manner which is open, transparent, accessible, and equitable.
- 1.7 Trustees shall approach all Board issues with an open mind and be prepared to make decisions based on what is best for the organization as a whole.
- 1.8 Trustees shall conduct Board business in accordance with its policies and procedures.
- 1.9 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.

2. Governance Principles

- 2.1 The Board of Trustees exists to govern in the best interest of its students.
- 2.2 The Board of Trustees represents and is accountable to students, parents, and the community.
- 2.3 The Board of Trustees is responsible for the implementation of the Strategic Plan through its policies and procedures.
- 2.4 The Board of Trustees has one employee directly responsible to it: the Director of Education.
- 2.5 The Board of Trustees holds the director of education accountable for the implementation of Board policies and procedures.
- 2.6 The Board of Trustees requires information in an accurate and timely manner.

3. PURPOSE

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 behaviour.

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 our students, the parents and guardians in our school system, our employees, and the communities we serve.

Vision

We promote equitable and inclusive environments where everyone belongs and succeeds.

Mission

We are committed to the success of every student.

Values

Belonging, Empathy, Integrity and Respect

Commitment to Reconciliation

We commit to the following four principles of reconciliation between Indigenous and non-Indigenous communities throughout every aspect of Lakehead Public Schools:

Relationality, Relevancy, Respect, and Responsibility.

Principles

Lakehead Public Schools strives to embody the following three principles: belong, succeed and reconcile.

4. APPLICATION

This Code of Conduct and the enforcement procedures apply to all trustees of the Lakehead District School Board, including the Chair of the Board and student trustees.

4.1 Integrity and Dignity of Office

4.1.1 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.

4.1.2 When acting or holding themselves out as trustees of the Board, a trustee shall conduct themselves in a manner that would not discredit or compromise the integrity of the Board.

- 4.1.3 When acting or holding themselves as a Trustee, the Trustee shall treat persons equally without discrimination, and in compliance with Ontario's *Human Rights Code*.
- 4.1.4 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.
- 4.1.5 Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.
- 4.1.6 Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members.
- 4.1.7 Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

4.2 Avoidance of Personal Advantage and Conflict of Interest

- 4.2.1 No trustee 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 trustee when performing their duties to the Board, unless:
 - 4.2.1.1 the gift is of nominal value;
 - 4.2.1.2 the gift is given as an expression of courtesy or hospitality; and
 - 4.2.1.3 accepting the gift is reasonable in the circumstances.

- 4.3 A trustee shall not use their office to advance the trustee's interests or the interests of any family member or person or organization with whom or with which the trustee is related or associated.
- 4.4 No trustee shall use or permit the use of board resources for any purposes other than the business of the Board. For greater certainty, Trustees shall not use Board resources for personal gain, for themselves, relatives, friends, and/or business associates.
- 4.5 Not use their position to obtain employment within the Board for the Trustee, or a family member.

5. Compliance with Legislation

- 5.1 A 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 (see Appendix A).

- 5.2 Every trustee of the Board shall comply with this Code of Conduct and uphold the spirit of the Code.
- 5.3 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.

6. Civil Behaviour

- 6.1 A trustee shall not 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.
- 6.2 When expressing individual views, trustees shall respect the differing points of view of other trustees on the Board, staff, students, and the public.
- 6.3 All trustees of the Board shall endeavour to work with other trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

7. Respect for Confidentiality

- 7.1 No trustee shall 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. This includes information shared during closed sessions.
- 7.2 No trustee shall 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. [Parent, spouse, and child have the same meaning as in Section 1 of the *Municipal Conflict of Interest Act*.]

8. Upholding Decisions

- 8.1 All trustees of the Board shall accept that authority rests with the Board, and that a trustee has no individual authority other than that delegated by the Board.
- 8.2 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.
- 8.3 A trustee should 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.
- 8.4 Each trustee shall comply with Board policies, procedures, by-laws, and rules of order.

- 8.5 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 act as spokesperson to the public on behalf of the Board unless authorized by the Board. When individual trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

9. ENFORCEMENT OF CODE OF CONDUCT

9.1 Identifying a Breach of the Code

- 9.1.1 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.
- 9.1.2 Any allegation of a breach of the Code of Conduct must be brought to the attention of the Chair of the Board no later than six 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 of Conduct be undertaken after the expiration of six months from the time the contravention is alleged to have occurred.
- 9.1.3 Any allegation of a breach of the Code of Conduct shall be investigated following the Informal or Formal Complaint Procedures.
- 9.1.4 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.
- 9.1.5 A 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 trustee of the Board.

9.2 Chair/Presiding Officer

- 9.2.1 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.

- 9.2.2 The Board will appoint, through a motion at the annual meeting, a Code of Conduct committee consisting of one trustee and an alternate trustee to conduct the informal inquiry process in the event that that Chair or Vice Chair are implicated in the breach or have a conflict of interest.
- 9.2.3 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.

9.3 Informal Complaint Procedure

- 9.3.1 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. Resources must be available to support the Chair.
- 9.3.2 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.
- 9.3.3 While the Board does encourage the parties to utilize the Informal Complaint Procedure, it is not a mandatory step to proceeding with a Formal Complaint.

9.4 **Formal Complaint Procedure**

- 9.4.1 A trustee who has reasonable grounds to believe that another trustee has breached this Code of Conduct shall bring the alleged breach to the attention of the Chair of the Board of Trustees, or in the case of an alleged breach by the Chair, to the Vice Chair. In the case that an alleged breach involves both the Chair and the Vice Chair, then the trustee shall provide notice to the member or alternate of the Board's complaint committee. This notice shall also be provided to the Director of Education.
- 9.4.2 Notification of a possible breach shall be in writing and shall include the following:
 - 9.4.2.1 the name and contact information of the trustee alleging the breach.
 - 9.4.2.2 the name and contact information of the trustee whose conduct is the subject of the notification.
 - 9.4.2.3 the date of the alleged breach.
 - 9.4.2.5 the description of the alleged breach.
 - 9.4.2.6 the provision of the Code of Conduct that was allegedly breached.
 - 9.4.2.7 Written allegations of a breach of the Code of Conduct must be referred to the Integrity Commissioner within 20 business days. The Integrity Commissioner may define the scope of the investigation and will commence an investigation into the alleged breach no later than 14 days following receipt of the claim. In conducting the investigation, the Integrity Commissioner will provide the trustee with the opportunity to respond to the allegations, as well as the right of reply, where appropriate.

9.4.2.8 In the course of conducting the investigation, the Integrity Commissioner may:

9.4.2.8.1 require the production of any records that may in any way relate to the investigation;

9.4.2.8.2 examine and copy any records required; and

9.4.2.8.3 require any officer of the Board or any other person to appear before them and give evidence, on oath or affirmation, relating to the investigation.

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

9.4.2.10 With respect to the defined period of time for a discovery of a breach, this is the day on which the member notifying the Board first knew that the breach had occurred; and the day on which a reasonable person with the abilities and in the circumstances of the member notifying the Board first ought to have known of the matters.

9.4.2.11 The Integrity Commissioner may refuse to commence an investigation into an alleged breach if the complaint was made more than 60 days after the day the alleged breach occurred or was discovered, whichever is later, unless the Integrity Commissioner is satisfied the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay; or in the opinion of the Integrity Commissioner, the complaint is made in bad faith or is frivolous or vexatious. The Integrity Commissioner will communicate this refusal in writing both to the trustee who is the subject of the complaint and to the Board of Trustees. The decision of the Integrity Commissioner in this regard is final.

9.4.2.12 No trustee shall engage in reprisal or the threat of reprisal against:

9.4.2.12.1 a trustee who gave notice of an alleged breach of the Code of Conduct.

9.4.2.12.2 any person who provided information about the alleged breach to the Integrity Commissioner.

9.5 Determination and Sanctions

- 9.5.1 The Integrity Commissioner shall make a determination on an alleged breach no later than 90 days after commencing the investigation, or within such other time period as may be prescribed by regulation, unless the Integrity Commissioner notifies the Board of Trustees and the trustee who is the subject of the complaint that an extension is necessary, providing the reasons for the extension.
- 9.5.2 If the Integrity Commissioner determines, following an investigation, that the trustee has breached the Board's Code of Conduct, the Integrity Commissioner will provide written notice of the decision to the trustee and to the Board of Trustees. The written notice will include:
 - 9.5.2.1 the reasons for the determination;
 - 9.5.2.2 the reasons for any sanctions; and
 - 9.5.2.3 information about the right to appeal.
- 9.5.3 With the determination, the Integrity Commissioner may impose one or more of the following sanctions:
 - 9.5.3.1 Censure of the trustee.
 - 9.5.3.2 Requiring the Board of Trustees to reduce the trustee's honorarium by an amount not exceeding the maximum amount. This may involve requiring the trustee to return any excess already paid to them authorizing the Board to recover the excess from the trustee.
 - 9.5.3.3 Barring the trustee from attending all or part of one or more meetings of the Board, from attending one or more meetings of a committee of the Board, or participating on one or more committees of the Board, up to a maximum of 90 days or the balance of the trustee's term of office, whichever is less.
 - 9.5.3.4 Barring the trustee from becoming the Chair or Vice Chair of the Board or of any committee of the Board or removing the trustee from any of these positions.
 - 9.5.3.5 Barring the trustee from exercising the privileges of a Board member, acting as a Board representative, or removing the trustee from a position as a Board representative.
 - 9.5.3.6 Any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances and would promote compliance with the Board's Code of Conduct

9.6 **Appeal**

- 9.6.1 The trustee in question or the Board of Trustees may appeal the Integrity Commissioner's determination, the sanctions imposed, or both, to the Deputy Minister, and in doing so, must give written notice of the appeal no later than 14 days after receiving written notice of the decision.
- 9.6.2 The trustee whose conduct was the subject of the Integrity Commissioner's determination shall not vote on a Board resolution to determine whether the Board of Trustees will appeal that determination.
- 9.6.3 A panel of three integrity commissioners will be appointed no later than 15 business days after the Deputy Minister or designate receives the notice of appeal. The panel shall not include the Integrity Commissioner whose determination is the subject of the appeal.
- 9.6.4 The appeal will follow the prescribed procedure under section 218.3 of the *Education Act*.
- 9.6.5 An appeal under this section automatically stays a sanction imposed by the Integrity Commissioner, pending a decision of the panel pursuant to section 218.3.2(10) of the *Education Act*.

9.7 **Records and Information**

- 9.7.1 The Board shall keep records and publish information on its website about each of the following:
 - 9.7.1.1 a matter referred to the Integrity Commissioner;
 - 9.7.1.2 a decision of the Integrity Commissioner to investigate or not to investigate;
 - 9.7.1.3 a determination of an Integrity Commissioner with respect to the investigation of an alleged breach; and
 - 9.7.1.4 A determination by a panel of integrity commissioners with respect to an appeal.
- 9.7.2 Where the alleged breach of this Code of Conduct or the determination regarding the breach involves any of the matters described in s. 207(3) of the Education Act, the Board shall publish only such information as is appropriate.

10 Appendix A

10.1 Policies and Bylaws:

- Lakehead District School Board Procedural Bylaws
- Travel and Expense Reimbursement Policy (3074)
- Human Rights and Workplace Harassment Policy (7030)
- Accountability Policy (7090)
- Violence in the Workplace Policy (7040)

10.2 Legislative Acts and Regulations:

- Criminal Code of Canada
- Education Act
- Ontario Regulation 312/24: Members of School Boards – Code of Conduct
- Municipal Conflict of Interest Act
- Municipal Elections Act, 1996
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act
- Ombudsman Act
- Ontario Human Rights Code