

**MOOSE FACTORY ISLAND
DISTRICT SCHOOL AREA BOARD**

BOARD POLICY NO. GOV-15	
Approved	
Last Revised	
Board Motion	

CODE OF CONDUCT: BOARD MEMBERS

PURPOSE

This governance policy guides the actions of Board members/trustees of Moose Factory Island District School Area Board as they carry out their duties as described in the *Education Act*, regulations, and Board policy. This policy aligns the conduct of Board members with the guiding principles in the Board policy, Safe Schools: Board Code of Conduct, which applies to all members of the Moose Factory Island school community.

Board members occupy positions of public trust and responsibility. They are expected to maintain the integrity of the Board and their positions as trustees by acting in a professional and impartial manner. It is imperative that trustees act, and be seen to act, in the best interests of the people they serve.

POLICY

1. Integrity and Dignity of Office

- 1.1 This code of conduct applies to all trustees of the Board, including the chair of the Board and student trustee(s). Every trustee of the Board shall uphold the letter and spirit of this code of conduct.
- 1.2 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.
- 1.3 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.
- 1.4 Trustees must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.
- 1.5 Trustees shall not make personal, demeaning, or disparaging remarks with regard to Board staff or fellow Board members.
- 1.6 The Board encourages trustee involvement in Board and school activities and trustee development through participation in ongoing learning.

2. Avoidance of Personal Advantage and Conflict of Interest

- 2.1 No trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the trustee when performing his/her duties to the Board.
- 2.2 A trustee shall not use his/her 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.
- 2.3 No trustee shall use his/her office to obtain employment with the Board for the trustee or a family member.

3. Compliance with Legislation

- 3.1 A trustee of the Board shall discharge his/her duties in accordance with the *Education Act* and any regulations, directives, or guidelines and comply with all other relevant legislation.
- 3.2 Every trustee shall respect and understand the roles and duties of individual trustees, the Board of trustees, the chair of the Board, and the supervisory officer.

4. Civil Behaviour

- 4.1 No trustee shall engage in conduct at any time that would discredit or compromise the integrity of the Board.
- 4.2 A trustee of the Board shall not make allegations of misconduct and/or a breach of this code of conduct against another trustee of the Board that are trivial, frivolous, vexatious, made in bad faith, or vindictive in nature.

5. Respect for Confidentiality

- 5.1 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.
- 5.2 No trustee shall use confidential information for either personal gain or to the detriment of the Board.
- 5.3 Trustees shall not divulge confidential information, including personal information that a trustee becomes aware of because of his or her position, except when required by law or authorized by the Board to do so.

6. Upholding Decisions

- 6.1 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.

- 6.2 Each trustee shall uphold the implementation of any Board resolution after it has been passed by the Board.
- 6.3 Each trustee must comply with Board policies, procedures, By-Laws, and Rules of Order.
- 6.4 The chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other trustee shall speak on behalf of the Board unless expressly authorized by the chair of the Board or Board to do so.

ENFORCEMENT OF THE CODE OF CONDUCT

7. Identifying a Breach of the Code

- 7.1 These enforcement procedures apply to all trustees of the Board, including the chair of the Board and student trustee(s).
- 7.2 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 in writing through 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.
- 7.3 Any allegation of a breach of the code must be brought to the chair of the Board no later than six (6) weeks after the breach comes to the knowledge of the trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the code be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.
- 7.4 Whenever possible, allegations of a breach of the code of conduct by a trustee shall be investigated following the Informal Complaint Procedure. It is recognized that from time to time a contravention of the code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a trustee to a breach of the code is to assist the trustee in understanding his/her obligations under the code.

8. Informal Complaint Procedure

- 8.1 At the Annual Organizational Meeting, two alternate trustees shall be chosen by the Board to be used when the circumstance warrants that one or both trustees are needed in place of the chair and/or vice-chair to carry out the duties required under these enforcement procedures.
- 8.2 The trustee who brought the complaint of a breach of the code of conduct shall not be involved in any inquiry into the complaint.

- 8.3 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*. Any trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this code.
- 8.4 The Informal Complaint Procedure is conducted in private.
- 8.5 The chair of the Board, on his/her own initiative or at the request of a trustee of the Board, may meet informally with the vice-chair and a trustee of the Board who is alleged to have breached the code, to discuss the breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the trustee and to discuss remedial measures to correct the offending behaviour.
- 8.6 The remedial measures may include a warning to desist or a request for an apology. If a remedy cannot be agreed on, then a formal complaint may be brought against the trustee alleged to have breached this code and that complaint will be dealt with in accordance with the Formal Complaint Procedure.

9. Formal Complaint Procedure

- 9.1 The Formal Complaint Procedure shall only be used in serious and/or reoccurring breaches of the code by a trustee.
- 9.2 A trustee who believes that another trustee of the Board has breached the Board's code of conduct shall provide the chair of the Board with a written, signed complaint stating: (i) the name of the 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 trustee's attention; (iv) the grounds for the belief by the 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.
- 9.3 Except as provided in 9.4, 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.
- 9.4 In an election year for trustees, a code of conduct complaint respecting a trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the trustee accused of a breach of the code is not re-elected, no inquiry into the alleged breach of the code by that trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.
- 9.5 The chair of the Board shall provide to all trustees of the Board a confidential copy of the complaint within ten (10) days of receiving it. The complaint, any response to the complaint, and the investigation of the complaint shall be confidential until it

is before the Board of trustees for a decision as to whether or not the trustee has breached this code.

- 9.6 A refusal to conduct a formal inquiry may occur if the chair and vice-chair of the Board 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.
- 9.7 A confidential report stating the reasons for not conducting a formal inquiry shall be provided to all trustees of the Board.
- 9.8 If the chair and vice-chair of the Board cannot agree on the above then a full formal inquiry shall be conducted.
- 9.9 The formal inquiry of an allegation of a breach of the code of conduct shall be conducted in private by the chair and vice-chair of the Board or any two of the chair, vice-chair, and the alternate trustees previously chosen by the Board.

10. Steps of Formal Inquiry

- 10.1 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.
- 10.2 The trustee who is alleged to have breached the code of conduct shall provide a written response to the allegations within ten (10) days of receiving the written allegation.
- 10.3 If the trustee who is alleged to have breached the code of conduct refuses to participate in the formal inquiry, the formal inquiry will continue in his/her absence.
- 10.4 Once the formal inquiry is complete, to ensure no errors of fact the investigators 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 to the trustee who brought the complaint for their written comment to the investigators. The two trustees shall have ten (10) days from the receipt of the draft report to provide a written response.
- 10.5 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.
- 10.6 A suspension of formal inquiry shall occur 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 trustees.

11. Board Decision

- 11.1 The determination of a breach of the code of conduct and the imposition of a sanction 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 resolution shall be recorded in the minutes of the meeting. The reasons for the decision shall be recorded in the minutes of the meeting. Both resolutions shall be decided by a vote of at least 2/3 of the trustees of the Board present and voting.
- 11.2 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.
- 11.3 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.
- 11.4 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.

12. Sanctions

- 12.1 If the Board determines that the trustee has breached the Board's code of conduct, the Board may impose one or more of the following sanctions:
- a) Censure of the trustee.
 - b) Barring the 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.
- 12.2 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 that are not available to members of the public.
- 12.3 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.

13. Reconsideration

- 13.1 If the Board determines that a trustee has breached the Board's code of conduct the Board shall:
- a) 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 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 trustee.
 - b) consider any submissions made by the trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received.
- 13.2 If the Board revokes a determination, any sanction imposed by the Board is revoked.
- 13.3 If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary, or revoke the sanction.
- 13.4 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.
- 13.5 The Board decision to confirm or revoke a determination or confirm, vary, or revoke a sanction shall be done by resolution at an open public meeting of the Board by a vote of at least 2/3 of the trustees present and voting.
- 13.6 The trustee alleged to have breached the code of conduct may be present during the deliberations regarding the above, shall not participate in the deliberations, shall not be required to answer any questions at that meeting and shall not vote on those resolutions. The trustee who brought the complaint may vote.
- 13.7 The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination.
- 13.8 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.

14. Acknowledgement and Undertaking

- 14.1 A copy of the following acknowledgement and undertaking shall be signed and kept in a file at the Moose Factory Island District School Area Board offices.

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:****REFERENCE DOCUMENTS*****Legal References:***

Education Act S 207 (1 & 2) Open and Closed Meetings of the Board

Education Act S 207 (3) Exclusion of Persons by Presiding Officer

Education Act S 218.2 Code of Conduct for Members of the Board

Education Act S 218.3 Enforcement of Code of Conduct

Board References:

Board Policy GOV-01 Vision, Mission, and Values

Board Policy GOV-03 Role of the Corporate Board

Board Policy GOV-09 Safe Schools: Board Code of Conduct

Board Governance By-Laws

Resource:

Ontario Public School Boards' Association (OPSBA). Template: School Board Member (Trustee) Code of Conduct <http://www.opsba.org/>