

# GOVERNANCE AND POLICY COMMITTEE REGULAR MEETING Public Session

## AGENDA January 12, 2021

**Markus de Domenico, Chair**  
Trustee Ward 2

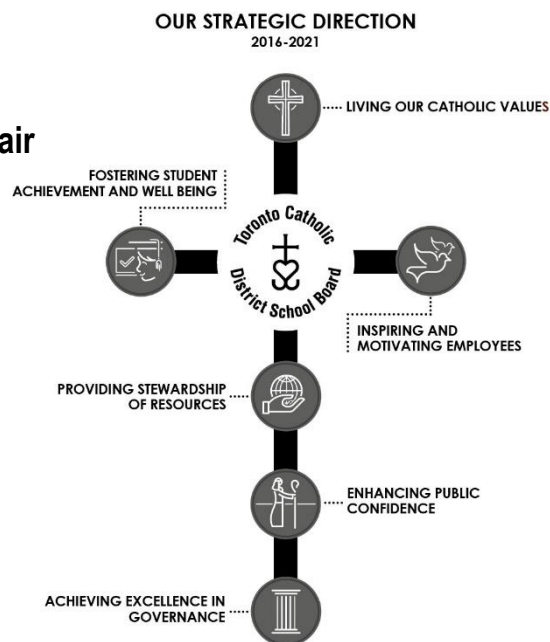
**Nancy Crawford**  
Ex-Officio

**Norman Di Pasquale, Vice-Chair**  
Trustee Ward 9

**Joseph Martino**  
Ex-Officio

**Ida Li Preti**  
Trustee Ward 3

**Teresa Lubinski**  
Trustee Ward 4



### MISSION

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.  
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

### VISION

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Recording Secretary: Sophia Harris, 416-222-8282 Ext. 2293**  
**Assistant Recording Secretary: Skeeter Hinds-Barnett, 416-222-8282 Ext. 2298**  
**Assistant Recording Secretary: Sarah Pellegrini, 416-222-8282 Ext. 2207**

**Dr. Brendan Browne**  
Director of Education

**Joseph Martino**  
Chair of the Board

## **TERMS OF REFERENCE FOR GOVERNANCE AND POLICY COMMITTEE**

The Governance Framework Committee is responsible for:

A. Ensuring that governance structures, policies, protocols, processes and performance metrics:

- i). advance the vision of the TCDSB, rooted in Catholic values and teachings.
- ii). support the achievement of our Multi-Year Plan.
- iii). conform to best practices.
- iv). provide strategic cohesion and consistency.
- v). comply with the Education Act and other pertinent legislation.

B. Providing a meta policy framework to ensure all policy formation, monitoring and evaluation follow a standard process that reflects exemplary practices in policy development.

C. Carrying out a continuous review of the roster of existing policy to ensure conformity and advancement of (A) above.

D. Identifying the supports (e.g. capacity training) needed to implement the governance framework.

E. Ensuring ongoing governance reviews of the Board.

F. Ensuring that the TCDSB By-laws and the Trustee Code of Conduct reflect the vision and mission of the Board and adhere to good governance practices, the Education Act and other pertinent legislation.

## **LAND ACKNOWLEDGEMENT**

Out of our deep respect for Indigenous peoples in Canada, we acknowledge that all Toronto Catholic District School Board properties are situated upon traditional territories. The territories include the Wendat, the Anishinabek (a-ni-shna-bek) Nation, the Haudenosaunee (hoh-Dee-noh-Shoh-nee) Confederacy, and the Mississaugas of the Credit First Nations. We also recognize the contributions and enduring presence of all First Nations, Métis, and Inuit people in Ontario and the rest of Canada.

Nous tenons d'abord à souligner que toutes les écoles du conseil TCDSB se situent sur des territoires traditionnels. Ces territoires comprennent ceux des Wendats, de la Nation Anishinabek, de la Confédération de Haudenosaunee, des Mississaugas of the Credit First Nations. Nous voudrions également reconnaître la pérennité de la présence des peuples des Premières Nations, des Métis et des Inuits sur ces terres en Ontario et partout dans le Canada.

### OUR MISSION

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### OUR VISION

*At Toronto Catholic we transform the world  
through witness, faith, innovation and action.*



## AGENDA THE REGULAR MEETING OF THE GOVERNANCE AND POLICY COMMITTEE

### PUBLIC SESSION

Markus de Domenico, Chair

Norman Di Pasquale, Vice Chair

Tuesday, January 12, 2021

7:00 P.M.

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Pages

1. Call to Order
  2. Opening Prayer
  3. Land Acknowledgement
  4. Roll Call and Apologies
  5. Approval of the Agenda
  6. Declarations of Interest
  7. Approval and Signing of the Minutes of the Meeting held November 10, 2020
  8. Delegations
  9. Presentation
  10. Notices of Motion
  11. Consent and Review
- 1 - 8

- 12. Unfinished Business**
- 13. Matters referred or deferred**
- 14. Staff Reports**
  - 14.a. Revision of the Trustee Code of Conduct Policy T.04 9 - 77
- 15. Listing of Communications**
- 16. Inquiries and Miscellaneous**
- 17. Updating of Pending List**
  - 17.a. Monthly Pending List 78 - 83
  - 17.b. Annual Policy Priority Schedule 84 - 85
- 18. Adjournment**

## **OUR MISSION**

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# **MINUTES OF THE REGULAR VIRTUAL MEETING OF THE GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION**

**HELD TUESDAY, NOVEMBER 10, 2020**

## **PRESENT:**

### **Trustees:**

N. Crawford, Chair  
M. Del Grande, Vice-Chair  
A. Kennedy - Ex-Officio  
J. Martino – Ex-Officio  
T. Lubinski

### **Staff:**

B. Browne  
C. Fernandes  
S. Camacho  
P. De Cock  
D. Friesen  
M. Loberto  
O. Malik  
P. Matthews  
C. Onyia  
B. Shannon  
  
S. Harris, Recording Secretary  
S. Hinds-Barnett, Assistant Recording Secretary

## **4. Roll Call and Apologies**

An apology was extended on behalf of Trustee Di Pasquale.

**5. Approval of the Agenda**

MOVED by Trustee Kennedy, seconded by Trustee Del Grande, that the Agenda, be approved.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande  
Kennedy

The Motion was declared

CARRIED

**5. Declarations of Interest**

There were none.

**6. Approval and Signing of the Minutes**

MOVED by Trustee Kennedy, seconded by Trustee Del Grande, that the Minutes of the Meeting held October 6, 2020 be approved.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande

Kennedy

The Motion was declared

CARRIED

Trustee Martino joined the meeting at 7:09 pm.

#### **14. Staff Reports**

MOVED by Trustee Del Grande, seconded by Trustee Kennedy, that Item 14a) be adopted as follows:

- 14a) Update To Permits Policy B.R. 05** that this Item be deferred until such time as Staff is able to complete the report.

Results of the Vote taken, as follows:

#### **In Favour**

#### **Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Martino

The Motion was declared

CARRIED



MOVED by Trustee Kennedy, seconded by Trustee Del Grande, that Item 14b) be adopted as follows:

- 14b) Update to Electronic Communication System - Acceptable Use A.29** received and that the Governance and Policy Committee recommend to Board that the revised Acceptable Use of Technology Policy A.29 provided in Report Appendix B be adopted.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Martino

The Motion was declared

CARRIED

MOVED by Trustee Martino, seconded by Trustee Del Grande, that Item 14c) be adopted as follows:

- 14c) Rescindment of Release of Holdbacks F.M.04** that the Governance and Policy Committee recommend to Board that the Release of Holdback Policy F.M.04 (Appendix A) be rescinded.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Martino

The Motion was declared

CARRIED

Trustee Lubinski joined the meeting at 7:17 pm.

MOVED by Trustee Del Grande, seconded by Trustee Kennedy, that Item 14d) be adopted as follows:

- 14d) Rescindment of Border Brokers Policy F.P.03** that the Governance and Policy Committee recommend to Board that the Border Brokers Policy F.P.03 (Appendix A of the Report) be rescinded effective immediately.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Lubinski  
Martino

The Motion was declared

CARRIED

MOVED by Trustee Del Grande, seconded by Trustee Lubinski, that Item 14e) be adopted as follows:

**14e) Update to Policy Priority List 2020** received.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Lubinski  
Martino

The Motion was declared

CARRIED

**17. Updating of Pending List**

MOVED by Trustee Del Grande, seconded by Trustee Martino, that Item 17a) be adopted as follows:

**17a) Monthly Pending List** received.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Lubinski  
Martino

The Motion was declared

CARRIED

MOVED by Trustee Del Grande, seconded by Trustee Lubinski, that Item 17b) be adopted as follows:

**17b) Annual Policy Priority Schedule** received.

Results of the Vote taken, as follows:

**In Favour**

**Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Lubinski  
Martino

The Motion was declared

CARRIED

## 18. Adjournment

MOVED by Trustee Del Grande, seconded by Trustee Martino, that the meeting be adjourned.

Results of the Vote taken, as follows:

### **In Favour**

### **Opposed**

Trustees Crawford  
Del Grande  
Kennedy  
Lubinski  
Martino

The Motion was declared

CARRIED

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SECRETARY

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CHAIR



REPORT TO

## GOVERNANCE AND POLICY COMMITTEE

### REVISION OF THE TRUSTEE CODE OF CONDUCT POLICY T.04

*For we are His workmanship, created in Christ Jesus for good works, which God prepared beforehand that we should walk in them .  
Ephesians 2:10*

Created, Draft	First Tabling	Review
January 4, 2021	January 12, 2021	<a href="#">Click here to enter a date.</a>

P. Matthews, General Legal Counsel

### RECOMMENDATION REPORT

#### Vision:

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

#### Mission:

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



Dr. Brendan Browne, PhD  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

## **A. EXECUTIVE SUMMARY**

This report recommends updating the current Trustee Code of Conduct Policy (T.04) to reflect changes in legislation, current practice, and to reformat in meta policy format. This proposed policy is a complete revision of the existing policy and is submitted by the Integrity Commissioner in consultation with the Director of Education and General Legal Counsel.

*The cumulative staff time required to prepare this report was 15 hours*

## **B. PURPOSE**

This Recommendation Report is on the Order Paper of the Governance Policy Committee as it recommends policy revision.

## **C. BACKGROUND**

1. The Trustee Code of Conduct Policy T.04 (Appendix C) was first approved on September 29, 2010
2. Changes to this policy were made in 2012 and 2016.
3. Changes to this policy reflect current legislation and practices.

## **D. EVIDENCE**

This proposed policy is a complete revision of the existing policy and is submitted by the Integrity Commissioner in consultation with the Director of Education and General Legal Counsel.

## **E. METRICS AND ACCOUNTABILITY**

1. Recommendations in this report will be monitored by the Director, with the support of Legal Services
2. Further reports will be brought to the Board in accordance with the policy review schedule.

## **F. IMPLEMENTATION**

The updated policy, and accompanying appendices, as approved will be posted on the TCDSB policy register.

## **G. STAFF RECOMMENDATION**

Staff recommends that the revised draft Trustee Code of Conduct Policy (T.04) provided in Appendix A and the accompanying guidelines in Appendix B, be adopted.





**POLICY SECTION:** TRUSTEES  
**SUB-SECTION:**  
**POLICY NAME:** TRUSTEE CODE OF CONDUCT  
**POLICY NO:** T.04

Date Approved:	Date of Next Review:	Dates of Amendments:
<p><b>Cross References:</b>            Education Act, R.S.O. 1990, c. E.2            Municipal Act, 2001, S.O. 2001, c. 25            Municipal Conflict of Interest Act, R.S.O. 1990, c. M50 (MCIA)            Municipal Elections Act, 1996, SO 1996, c. 32            Municipal Freedom of Information and Protection of Privacy Act, R.S.O 1990, C. M.56 (MFIPPA)            Criminal Code of Canada R.S.S., 1985, c. C-46            Human Rights Code, R.S.O. 1990, c. H. 19  <i>Harassment and Discrimination Policy H.M.14</i>  <i>Fair Practice in Hiring and Promotion Policy H.M.40</i>  <i>Trustee Services and Expenditures Policy T.17</i>  <i>Trustee Honorarium T.05</i></p>		
<b>Appendix A – Trustee Code of Conduct Protocol</b>		

### **Purpose:**

This *Code of Conduct* applies to all Trustees. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the Code of Conduct will be brought forward for review at the end of each term of the Board, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Trustees.



**POLICY SECTION:** TRUSTEES  
**SUB-SECTION:**  
**POLICY NAME:** TRUSTEE CODE OF CONDUCT  
**POLICY NO:** T.04

Commentary and examples used in this *Code of Conduct* are illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner and supplementary materials may also be produced as deemed appropriate.

Where a Trustee discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Trustee may rely on written advice provided by the Integrity Commissioner. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that they are asked to investigate a complaint.

Trustees seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

The *Education Act* is the primary piece of legislation governing school boards however there are other statutes that govern the conduct of elected officials. It is intended that the *Code of Conduct* operate together with and as a supplement to applicable legislation, including the:

- *Education Act*
- *Municipal Act, 2001;*
- *Municipal Conflict of Interest Act (MCIA);*
- *Municipal Elections Act, 1996;*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);*
- *Criminal Code of Canada*
- *Ontario Human Rights Code*

Trustees are expected to discharge their duties and responsibilities in a professional and ethical manner consistent with Gospel Values and the teachings of the Catholic Church.



**POLICY SECTION:** TRUSTEES

**SUB-SECTION:**

**POLICY NAME:** TRUSTEE CODE OF CONDUCT

**POLICY NO:** T.04

### **General Introduction:**

Trustees of the Toronto Catholic District School Board (Trustees) recognize their obligation to serve the Board's students and staff, their constituents and the general public in a conscientious and diligent manner understanding that as leaders of the community, they are held to a higher standard of behaviour and conduct.

Trustees represent all the citizens in the Catholic community in the City of Toronto and are responsible to the electorate through the democratic process. Fellow citizens have entrusted trustees through the electoral process with the education of all students in the community they serve as their advocates. The public is entitled to expect the highest standard from the school trustees that it elects.

Trustees recognize that ethics and integrity are at the core of public confidence in government and in the political process; that elected officials are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real. They recognize the need to uphold both the letter and the spirit of the law including policies adopted by the Board.

Catholic Trustees, as representatives of the Catholic community must ensure that the mission of Catholic education, as part of the broader mission of the Church is fulfilled. Because of this unique and distinctive mission, Catholic school trustees honour a set of additional expectations that have been set for them by the Church and by the Catholic community. The vocational call to trusteeship is to serve.

This Code of Conduct ensures that Trustees share a common basis and understanding for acceptable conduct of Trustees, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework.



**POLICY SECTION:** TRUSTEES

**SUB-SECTION:**

**POLICY NAME:** TRUSTEE CODE OF CONDUCT

**POLICY NO:** T.04

This Code of Conduct is consistent with the principles of transparent and accountable government, and is reflective of the Board’s values relating to Faith, Community and Culture which require each Trustee, within the duties prescribed in the Education Act, its Regulations and other applicable legislation, and reflecting a ministry within the Church, to:

- a) appreciate that Catholic schools are an expression of the teaching mission of the Church;
- b) provide an example to the Catholic Community that reflects the teaching of the Church;
- c)facilitate the best possible Catholic education according to the programs approved by the provincial Minister of Education and supported by the Canadian Conference of Catholic Bishops;
- d) recognize and rigorously defend the constitutional right of Catholic education and the democratic and corporate authority of the Board;
- g) work to improve personal knowledge of current Catholic educational research and practices;
- h) affirm a strong sense of Christian Catholic Community; and
- i) provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic Education in Canada;

**Alignment with MYSP:**

- Living Our Catholic values
- Strengthening Public Confidence
- Fostering Student Achievement and Well-Being
- Achieving Excellence in Governance
- Providing Stewardship of Resources
- Inspiring and Motivating Employees



**POLICY SECTION:** TRUSTEES

**SUB-SECTION:**

**POLICY NAME:** TRUSTEE CODE OF CONDUCT

**POLICY NO:** T.04

**Policy:**

1. Trustees shall serve the public and their constituents in a conscientious and diligent manner.
2. Trustees should be committed to performing their functions with integrity impartiality and transparency.
3. Trustees shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to School Boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

**Regulations:**

**1. Avoidance of Conflicts of Interest**

In this Regulation:

- a. “disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Trustee and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Trustee could not participate impartially in the decision-making processes related to the matter.
- b. “non-disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Trustee and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Trustee could participate impartially in the decision-making processes related to the matter so long as:



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The Trustee fully discloses the interest so as to provide transparency about the relationship; and

The Trustee states why the interest does not prevent the Trustee from making an impartial decision on the matter.

1. Trustees shall not participate in the decision-making processes associated with their office when prohibited to do so by the *Municipal Conflict of Interest Act*.
2. Trustees shall not participate in the decision-making processes associated with their office when they have a disqualifying interest in a matter.
3. For greater certainty:
  - a) Trustees shall not participate in the decision-making processes associated with their office when they have a direct, indirect or deemed pecuniary interest in a matter, except in compliance with the *Municipal Conflict of Interest Act*.
  - b) Trustees shall not participate in the decision-making processes associated with their office when they have an interest that though in compliance with the *Municipal Conflict of Interest Act*, is nevertheless a disqualifying interest by virtue of the nature of the relationship between the Trustee and other persons or bodies to be affected by the decision.
4. Treatment of Non-Disqualifying Interests:
  - a) Trustees may participate in the decision-making processes associated with their office when they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the Director of Education acting in consultation with the Integrity Commissioner.



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**POLICY NAME:** TRUSTEE CODE OF CONDUCT

**POLICY NO:** T.04

- b) Transparency Disclosures are public documents and shall be available for public viewing on the Board web site.
- c) The determination of whether an actual disqualifying interest or an actual non-disqualifying interest exists, when challenged, is subject to the determination by the Integrity Commissioner of whether a reasonable person fully informed of the facts would believe that the Trustee could not participate impartially in the decision-making processes related to the matter.

#### Commentary

*Trustees should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Trustees shall also not extend in the discharge of their official duties, preferential treatment to Family members, organizations or groups in which they or their Family members have a direct or indirect pecuniary interest.*

*Trustees have a common understanding that in carrying out their duties as a Trustee, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family member or an individual which is not available to every other individual.*

*Trustees may seek conflict of interest or other advice, in writing, from the Integrity Commissioner. Where members choose to seek external legal advice on conflict of interest or other Code of Conduct issues, these fees will not be reimbursed by the TCDSB and cannot be charged to any office account.*

*When a member, despite the existence of an interest, believes that he or*



**POLICY SECTION: TRUSTEES**

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*she may still participate in a matter with an open mind, the public interest is best served when the Trustee is able to articulate the interest, and why the interest does not amount to a disqualifying conflict of interest.*

*Trustees must remain at arm's length when Board staff or the Board is asked to consider a matter involving a Family member or a person or organization with whom the Trustee has a real or apparent conflict of interest.*

5. Trustees who seek advice from the Integrity Commissioner with respect to the application of this Regulation may rely on the provisions of Part B. "Framework and Interpretation" (paragraph 3) and the Regulation 17, "Acting on Advice of Integrity Commissioner."
6. Trustees shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the Board or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.
7. Trustees, while holding public office, shall not engage in an occupation or the management of a business that conflicts with their ability to diligently carry out their role as a Trustee, and shall not in any case profit directly or indirectly from such business that does or has contracted with the TCDSB.
8. Despite paragraph g., a Trustee may hold office or a directorship in an agency, board, commission or corporation where the Trustee has been appointed by the Board or by the Federal or Provincial Government.





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9. Despite paragraph g. a Trustee may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Trustee disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Trustee does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Trustee a qualified opinion, the Trustee may remedy the situation in the manner specified by the Integrity Commissioner.

### Commentary

*Trustees should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the Board at any time. The legislative obligation is set out in the Municipal Conflict of Interest (MCIA). If the Trustee, or a family member of the Trustee, sits on a body which has a pecuniary interest in a matter before the Board (such as an application for grant, support or other contribution), that Trustee has a deemed pecuniary interest. The Trustee should disclose the interest and should not participate in or vote on such matter, in compliance with the obligations of s.5, MCIA.*

*The Code of Conduct captures the broader common law responsibility and requires members to avoid the appearance of favoring organizations or groups on which the Trustee's family members serve.*

*Family members of Trustees are not precluded, or even discouraged, from serving on not-for-profit organizations or other bodies. However, where family members of Trustees serve in such a capacity, the Trustee should declare a conflict of interest whenever there is a matter for the Board consideration in which the not-for-profit organization or body has a pecuniary interest.*



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## **2. Gifts, Benefits and Hospitality**

In this Regulation:

- a. "Gift" means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a Trustee's duties of office, but excludes:
  - i. Compensation authorized by law;
  - ii. Political contributions otherwise reported by law, in the case of Trustees running for office;
  - iii. Services provided by persons volunteering their time;
  - iv. Contributions of value that are specifically addressed in other provisions of this Code
  - v. Gifts provided to the TCDSB and which are logged, archived and/or publicly displayed as such.
- b. A Gift provided with the Trustee's knowledge to a Family member that is connected directly or indirectly to the performance of the Trustee's duties, is deemed to be a Gift to that Trustee.
- c. "Token of Appreciation" means such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Trustee.



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- d. “Official Hospitality” means food, lodging, transportation and entertainment provided by Provincial, Regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or at a conference, seminar or event where the Trustee is either speaking or attending in an official capacity at an official event (such as at meetings of AMO, FCM, or conducted by providers of continuing education).
  - e. “Business Hospitality” means entertainment, food and beverages consumed at banquets, receptions or similar events, if:
    - i. attendance serves a legitimate business purpose;
    - ii. the person extending the invitation or a representative of the organization is in attendance; and
    - iii. the value is reasonable and the invitations infrequent;
  - f. “Publications” means communication to the offices of a Trustee, including subscriptions to newspapers, and periodicals.
- 
- 1. No Trustee shall accept any Gift unless expressly permitted by this Regulation.
  - 2. No Trustee shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by the Board, a Trustee may be sponsored to attend educational site visits connected with an identified project.
  - 3. Gifts identified in Column B of *Gift Treatment and Disclosure Table* may be accepted by a Trustee provided the Gift is disclosed in accordance with



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the conditions set out in Column ‘C’.

- 4. Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Trustee Information Statement in a form prescribed by the Integrity Commissioner and providing same to the Board Recording Secretary for posting on the Board’s web site.
- 5. Gifts identified in Column B shall not be accepted, without the Integrity Commissioner’s specific approval, when the conditions set out in Column ‘D’ are applicable.
- 6. In providing advice to a Trustee about their obligations respecting Gifts, or in considering any inquiry with respect to a Trustee Information Statement or an assertion that this Regulation has be breached, or in providing consent, where required, that a Gift may be accepted, the Integrity Commissioner shall determine whether the receipt of the Gift might, in the opinion of the Integrity Commissioner, create a conflict between a private interest and the public duty of the Trustee. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Trustee to justify receipt of the gift or benefit.
- 7. Should the Integrity Commissioner determine the receipt of a Gift was inappropriate, the Integrity Commissioner may direct the Trustee to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or the Integrity Commissioner may order the Trustee to forfeit the gift or remit the value of any gift or benefit already consumed to the TCDSB. Any such direction ordered by the Integrity Commissioner shall be a matter of public record.



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Gift Treatment and Disclosure

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u> <i>Apparent Value at which Gift, or the <b>cumulative</b> value from one source in a calendar year is disclosable</i>	<u>Gift No Longer Allowable</u> <i>Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without Integrity Commissioner approval)</i>
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$100 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to Board	Not a 'Gift'. No need to record. Board staff to record and take possession unless otherwise on public display. Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$100
	Business Meals	\$100	\$100
	Business Hospitality	\$100	<b>\$250</b> More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization



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			(allowable with IC approval)
	Official Hospitality	\$100	No limit

### Commentary

*Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role. Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this regulation is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.*

*The practical problems that nominal gifts and benefits create require a Code of Conduct that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the Board be such that no Trustee is perceived as showing favouritism or bias toward the giver. There will never be a perfect solution.*

*Each Trustee is individually accountable to the public and is encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values, for review by the Integrity Commissioner in the event of a complaint.*

*Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation property or club membership) at a reduced rate or at no cost is not an acceptable*



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*gift or benefit. The purpose of the Code is not to prohibit Trustees from accepting all invitations to socialize at a vacation property with personal friends who are in no way associated with the business of the TCDSB.*

*Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an issue before the Board or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such engagements. Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Trustee chooses to decline a gift as well as when a recipient may opt to keep a gift.*

*An invitation to attend a function with a developer or supplier could be seen as allowing the giver an opportunity to influence the elected official. Such invitations should only be accepted if the invitation is within the scope of permissible gifts and benefits, meaning that Trustees should not consistently accept invitations from the same individual or corporation and should avoid any appearance of favouritism.*

*An invitation to attend a fund-raising gala, provided the Trustee is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Where a Trustee is uncertain in regard to whether an invitation is or is not appropriate, it may be prudent to consult with the Integrity Commissioner before attending any such event.*

*Regular invitations to lunch or dinner with persons who are considered friends of Trustees is acceptable in situations where the Trustee pays their portion of the meal expense and treats it as a personal expense, meaning a claim is not made under the Trustee Services and Expenditures Policy T.17. Proper caution and diligence not to discuss matters before the Board for a decision must be exercised*



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*at all times. When in doubt it is prudent to consult with the Integrity Commissioner.*

### **3. Trustee's Role in Funding Charitable/Community Events**

There are a range of expenses that support a Trustee's role in community development and engagement activities within their ward. For federal and provincial elected officials, these expenses are often paid for by Riding Association funds. Locally-elected officials do not have this benefit. Trustees should refer to the *Trustee Services and Expenditures Policy T.17* for guidance of expenses eligible for reimbursement.

1. As community leaders, Trustees may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups. Monies raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group and Trustees should not handle any funds on behalf of such organizations.

Trustees routinely perform important work in supporting charitable causes and in so doing, there is a need for transparency respecting the Trustee's involvement. The following guidelines shall apply:

- a) Trustees should not directly or indirectly manage or control any monies received relating to community or charitable organizations fundraising;
- b) Trustees or persons acting on behalf of a Trustee shall not solicit or accept support in any form from an individual, group or corporation, with any pending significant matter or procurement proposal before the Board, which the Trustee knew or ought to have known about;





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- c) With reference to member-organized community events, Trustees must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event;
- d) Where a Trustee sponsors and/or lends support to a community or charitable event, this *Code* recognizes that all donations are subject to the *Trustee Services and Expenditures Policy T.17*;
- e) No donation cheques should be made payable to a Trustee. Trustees may only accept donation cheques made payable to a Business Improvement Association, charity or community group and only for the purpose of passing the cheques on to such group;
- f) Trustees should not handle any cash on behalf of any charitable organization, not-for-profit or community group, and should always remain at arm's length from the financial aspects of these community and external events. If a Trustee agrees to fundraise on behalf of a charity or community group, the Trustee should

2. Nothing included herein affects the entitlement of a Trustee to:

- a) urge constituents, businesses or other groups to support community events and advance the needs of a charitable organization put on by others in the Trustee's ward or elsewhere in the City of Toronto;
- b) play an advisory ex officio or honorary role in any charitable or non-profit organization that holds community events in the Trustees' ward; and



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- c) collaborate with the TCDSB and its affiliates to hold community events.

### Commentary

*By virtue of the office, Trustees will be called upon to assist various charities, service clubs and other non-profits as well as community associations, by accepting an honorary role in the organization, lending their name or support to it or assisting in fundraising. Transparency and accountability are best achieved in today's era by encouraging contributors to make donations to such organizations on-line through a website or where that is not possible through a cheque made payable directly to the organization. Cash should never be accepted.*

## **4. Confidential Information**

1. No Trustee shall disclose the content of any such matter, or the substance of deliberations, of an *in-camera* meeting until the Board discusses the information at a meeting that is open to the public or releases the information to the public.
2. 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 where required by law or authorized by the Board to do so.
3. No Trustee shall use confidential information for personal or private gain, or for the gain of Family members or any person or corporation.



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4. No Trustee should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Board property or assets.
5. Trustees should not access or attempt to gain access to confidential information in the custody of the Board unless it is necessary for the performance of their duties and is not prohibited by Board policy.

*Commentary:*

*Confidential Information includes information in the possession of, or received in confidence by, the TCDSB that the TCDSB is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA”), or any other legislation.*

*MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.*

*The Education Act allows information that concerns personnel, labour relations, litigation, property acquisitions and security of the property of the Board, and matters authorized in other legislation including MFIPPA, to remain confidential. For the purposes of the Code of Conduct, “confidential information” includes this type of information.*

*As elected officials, Trustees will receive highly sensitive and confidential information concerning residents who need their assistance. This is consistent with the nature of the Trustees’ duties Constituency records that are at all times under the control of the Trustee and are not subject to MFIPPA.*



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*Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labelling it “Confidential”, such communication will not be given any higher level of confidentiality than any other communication. The words “Privileged”, “Confidential” or “Private” will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.*

## **5. Use of Board Resources**

1. No Trustee shall use for personal purposes any staff services, property, equipment, services, supplies, websites, blogs, or other Board-owned materials, other than for purposes connected with the discharge of their Board duties.
2. No Trustee shall obtain personal financial gain from the use or sale of Board developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Trustees acknowledge and do not dispute that all such property remains exclusively that of the TCDSB.
3. No Trustee shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her official duties.

### *Commentary*

*Trustees, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their Board*



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*duties as public officials.*

*Trustees are held to a higher standard of behaviour and conduct and therefore should not use TCDSB property for any purpose other than for carrying out their official duties. For clarity, this Regulation is intended to prohibit the use of Board resources for purposes such as running a home business. It is not intended to prohibit occasional personal use, but it should be subject to practical limitations.*

*Careful attention should be given to the provisions of the Board's Trustee Services and Expenditures Policy T.17 which identifies allowable expenses. During election campaigns, the provisions of Regulations 6 and 7 will apply.*

4. No Trustee shall use the services of Board staff, or make requests for documents or information from Board staff, unless such information is required for the purpose of carrying out their duties as public officials.
5. No Trustee shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the Board, including the distribution of gift certificates, free tickets or a compiled list of businesses located in a ward.

## **6. Election Campaigns**

1. Trustees are required to follow the provisions of the *Municipal Elections Act, 1996* and Trustees are accountable under the provisions of that statute.



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2. No Trustee shall use the facilities, equipment, supplies, services, staff or other resources of the Board (including the Board's newsletters, individual websites linked through the Board's website and social media accounts used for ward communication) for any election campaign or campaign-related activities and all such sites shall not use the TCDSB logo.
  - a) If a member of the Board uses any social media account for campaign purposes, such account must not be created or supported by Board resources or use the TCDSB logo. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers.
  - b) To avoid confusion with any website or social media accounts used for the Trustee's work, Trustees who choose to create or use social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes.
  - c) Despite the foregoing, Trustees are allowed to place campaign phone numbers, websites and E-mail addresses on election pages on the Board's website may be available and authorized for use by all candidates for school board office.



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3. In a municipal election year, commencing May 1 (alternate: July 2) until the date of the election, Trustees may not publish newsletters or distribute newsletters in TCDSB facilities. All newsletters distributed through the mail must be post- marked by no later than May 1 (alternate July 2) in an election year. Trustees may, during such period, use Board facilities to communicate important notifications to separate school supporters in their ward by E-mail or by letter on the Trustee's usual letterhead.
  
4. In a municipal election year, commencing on May 1(alternate July 2), until the date of the election, no candidate, including Trustees, may directly or indirectly book any TCDSB facility for any purpose that might be perceived as an election campaign purpose.

### Commentary

*Staff should not interpret or provide advice to Trustees regarding the requirements placed on candidates for municipal office.*

*Trustees should not authorize any event that could be perceived as the TCDSB providing them with an advantage over other candidates. It is the personal responsibility of Trustees to ensure that any use of facilities or the services of staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Trustees or any other candidates, in this regard.*



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5. No Trustees shall use the services of persons for campaign related Activities during hours in which those persons receive any compensation from the Board.
6. The Integrity Commissioner may at any time be consulted with regard to complying with any part of Regulation 6.

## **7. Improper Use of Influence**

1. No Trustee shall use the influence of their office for any purpose other than for the exercise of their official duties.

If the Board has taken a position in an Ontario Municipal Board/Local Planning Appeal Tribunal (“OMB/LPAT”) matter and instructed the Board’s legal counsel to appear at a hearing in support of such position, no member of the Board who disagrees with such position, shall give evidence at such hearing or otherwise work against the will of the Board in such matter. With the consent of the lawyer assigned to represent the Board at an OMB/LPAT hearing, a member of the Board who is in support of the the Board instructions to such lawyer, may give evidence at an OMB/LPAT hearing. Notwithstanding the above, if the OMB/LPAT has decided to mediate a dispute between parties in a matter, any member of the Board may offer his or her services to assist with such mediation regardless of his or her position in the matter and participate, if approved by the OMB/LPAT mediator.





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### Commentary

*Examples of prohibited conduct are the use of one's status as a Trustee to improperly influence the decision of another person to the private advantage of oneself, or one's Family member, or friends. This would include attempts to secure preferential treatment beyond activities in which Trustees normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of a future advantage through a Trustee's supposed influence within the Board in return for present actions or inaction.*

*Contact with members of tribunals appointed by the Board on any case might be viewed as attempts to intimidate the tribunal member. Generally, Trustees should not take part in the proceedings of any other tribunal where the Board is a party unless such participation is approved by the Integrity Commissioner*

2. Pursuant to section 283 of the *Education Act*, the Director of Education is the CEO of the Board and has exclusive authority to direct Board staff. The Board, and not individual Trustees appropriately give direction to the Director of Education.

Note from p. 7 of T.04:

No Trustee shall use his or her position, authority or influence for personal, financial or material gain or personal business purposes or for the personal, financial or material gain or business purposes of a relative, friend and/or business associate. Every Trustee shall uphold and enhance all Board business operations by:

- a) maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the Board;



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- b) fostering the highest standard of professional competence amongst those for whom they are responsible;
- c) complying with and being seen to comply the letter and spirit of:
  - The laws of Canada and the Province of Ontario,
  - Contractual obligations applicable to the Board; and
- d) rejecting and denouncing any business practice that is improper or inappropriate or may appear to be improper or inappropriate.

## **8. Business Relations**

1. No Trustee shall allow the prospect of his/her future employment by a person or entity to affect the performance of their duties to the Board, detrimentally or otherwise.
2. No Trustee shall borrow money from any person who regularly does business with the Board unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union.
3. No Trustee shall act as a paid agent before the Board or a committee of the Board or any agency, board or committee of the Board.
4. No Trustee shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.



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## 9. Trustee Conduct

### Conduct at the Board and Committee Meetings:

1. Trustees shall conduct themselves at the Board and committee meetings with decorum in accordance with the provisions of the Board's Operating By-law.
2. Trustees shall endeavour to conduct and convey the Board's business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session), and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

### Commentary

*Trustees recognize the importance of cooperation and strive to create an atmosphere during Board and committee meetings that is conducive to solving the issues before the Board, listening to various points of view and using respectful language and behaviour in relation to all of those in attendance.*

*Various statutes, the Board's Operating By-law and decisions by courts and quasi-judicial tribunals and the Information and Privacy Commission, establish when the Board can discuss issues in closed session. Transparency requires that the Board apply these regulations narrowly so as to best ensure that decisions are held in public session as often as possible.*

*Unless prohibited by law, Trustees should clearly identify to the public how a decision was reached and the rationale for so doing.*



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3. Trustees shall make every effort to participate diligently in the activities of the committees, agencies, boards, commissions and advisory committees to which they are appointed by the Board or by virtue of being an elected official.

#### Commentary

*Individual Trustees are appointed to committees, agencies, boards and commissions based on their various backgrounds and their ability to contribute to matters before them, bringing their expertise and experience. Trustees should not be absent from the Board or committee meetings, or from those of agencies, boards and commissions to which they are appointed without reasonable justification (for example, illness of the Trustee, family circumstance, or other Board business) for more than three consecutive scheduled meetings or on a regular basis.*

4. Trustees shall conduct themselves with appropriate decorum at all times.

#### Commentary

*As leaders in the community, Trustees are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.*

### **10. Media Communications**

1. Trustees will accurately communicate the decisions of the Toronto Catholic District School Board, even if they disagree with the majority decision of the Board, and by so doing affirm the respect for and integrity in the decision-making processes of the Board.



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2. Trustees will keep confidential information confidential, until such time as the matter can properly be made public.
3. In all media communications, including social media, Trustees will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.

### Commentary

*A Trustee may state that he/she did not support a decision, or voted against the decision. A Trustee should refrain from making disparaging comments about other Trustees or about the Board's processes and decisions.*

*When communicating with the media, a Trustee should at all times refrain from speculating or reflecting upon the motives of other Trustees in respect of their actions as a Trustee.*

*While openness in government is critical, governments also must respect confidentiality when a matter must remain, at least for a period of time, confidential. Breaches of confidentiality by Trustees erodes public confidence.*

*While Trustees are encouraged to actively participate in vigorous debate, Trustees should understand that they are part of a democratically elected representative body and should not engage in social media as if they are outsiders. In this regard, caution should be exercised when blogging, posting, tweeting, re-posting and linking to posts using social media, whether the member is using a personal account or a Board account.*

*Trustees who post blogs should recognize that the Canadian Association of Journalists has identified the ethical conflict faced by journalists holding elected*



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*public office. It is recognized that there may be an irreconcilable conflict in carrying out both roles at the same time.*

*While social media can be an excellent tool for communicating quickly with constituents and sharing ideas and obtaining input, social media can breed incivility that generally is avoided in face-to-face interactions. In a world where a transitory comment can become part of the permanent record, Trustees should exercise restraint in reacting too quickly, or promoting the social media posts of others whose views may be disparaging of the Board's decisions or another Trustee's perspectives.*

## **11. Respect for Board By-laws and Policies**

1. Trustees shall encourage public respect for the Board and its by-laws.
2. Trustees shall adhere to such by-laws, policies and procedures adopted by the Board that are applicable to them.

### Commentary

*A Trustee must not encourage disobedience of a Board decision or by-law in responding to a member of the public, as this undermines confidence in the Board and in the Rules of Law.*

*Trustees are required to observe the policies and procedures established by the Board at all times, and are directed to pay special attention to, and comply strictly with, the Board's Operating By-law and Trustee Services and Expenditures Policy T.17. In exceptional circumstances, a Trustee may request the Board grant an exemption from any policy.*



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## 12. Respectful Workplace

1. Trustees are governed by the Board's *Harassment and Discrimination Policy H.M.14*. All Trustees have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
2. All complaints received involving Trustees under the *Harassment and Discrimination Policy H.M.14*. shall be referred to the Integrity Commissioner for processing in accordance with both the said policy and the *Trustees Code of Conduct Complaints Protocol*.
3. The *Ontario Human Rights Code* applies in addition to the Board's *Harassment and Discrimination Policy H.M.14*

### Commentary

*It is the policy of Board of Trustees that all persons be treated fairly in the workplace in an environment free of discrimination or personal and sexual harassment.*

*The Board's Harassment and Discrimination Policy H.M.14 ensures a safe and respectful workplace environment and provides for the appropriate management of any occurrences of harassment and discrimination as those terms are defined in the policy.*

*The Board's Harassment and Discrimination Policy H.M.14 applies equally to members of staff and Trustees. It will provide guidance to the Integrity Commissioner when a complaint is received involving a Trustee.*



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### **13. Conduct Respecting Staff**

1. No Trustee shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
2. No Trustee shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
3. Trustees shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board.
4. No Trustee shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Trustees shall show respect for the professional capacities of the staff of the Board.

#### *Commentary*

*Under the direction of the Director of Education, staff serve the Board as a whole, and the combined interests of all Trustees as evidenced through the decisions of the Board. Only the Board as a whole has the authority to approve budget, policy, committee processes and other matters.*

*Accordingly, Trustees shall direct requests outside of the Board-approved budget, process or policy, to the Director of Education or directly to the Board.*

*In practical terms, there are distinct and specialized roles carried out by the Board as a whole and by the Trustees when performing their other roles. The key*





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*requirements of these roles include dealing with constituents and the general public, participating as committee members and as chairs of committees, and participating as Board representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Board staff in both the carrying out of their responsibilities and in dealing with the Board. Staff are expected to provide information to Trustees that they are entitled to.*

*Board staff are accountable to the Director of Education who is accountable to the Board. Sometimes the line between staff duties and activities that are political in nature is not clear. Trustees must respect the difference between the two in making requests of staff.*

*Trustees should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalty of persons in power, or their personal opinions.*

*the Board's Harassment and Discrimination Policy H.M.14 , Code of Conduct Policy S.S.09 applies to Trustees. Staff and Trustees are entitled to be treated with respect and dignity in the workplace.*

*It is inappropriate for a Trustee to attempt to influence staff to circumvent normal processes, or overlook deficiencies in an operational matter. It is also inappropriate for Trustees to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Director of Education. Any such attempts may be reported to the Integrity Commissioner.*



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#### **14. Employment of a Trustee's Relatives/Family Members and Acquaintances**

1. No Trustee shall attempt to influence the outcome of a recruitment process to favour a friend, Family member or other relative of the Trustee.
2. No Trustees shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Family member.
3. No Trustee shall supervise a Family member, or be placed in a position of influence over a Family member.
4. No Trustee shall attempt to use a Family relationship for his or her personal benefit or gain.
5. Every Trustee shall adhere to the Board's *Fair Practice in Hiring and Promotion H.M.11* policy.

#### Commentary

If a Family member of a Trustee is an applicant for employment with the Board or is a candidate for promotion or transfer, the Family member will proceed through the usual selection process pursuant to the Board's hiring policies, with no special consideration.

#### **15. Not Undermine, Work Against the Board's Decisions**

1. Trustees shall not actively undermine the implementation of the Board's decisions.



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### Commentary

*The role of elected officials, once a Board decision is made, is to support the implementation of that decision, not to work against its implementation, publicly or behind the scenes. the Board decisions are arrived at following discussion and debate, reflecting the democratic process. Trustees are expected to engage in debate with their fellow the Board members through the democratic process of government. However, once the Board has made its decision, Trustees must recognize that decision as the duly considered decision of the Board. As members of that body, Trustees who do not agree with the decision - are not to engage in activities that seek to challenge or undermine that decision.*

*Trustees can express disagreement with the Board's decisions, but it is contrary to the ethical behaviour of Trustees to actively seek to undermine, challenge or work against the Board's decisions.*

2. Trustees shall not engage in litigation or other legal challenges against the TCDSB or the Board's decisions. Despite this provision:
  - a. Members may pursue a complaint or request for investigation under a statutory scheme dealing with requirements for open and transparent processes, access to information, the protection of privacy, or the protection of human rights;
  - b. Members are not restricted from participating in litigation or other legal challenges if they are uniquely impacted by the decision, such as when the Board has imposed a penalty or reprimand following a report of the Integrity Commissioner;
  - c. Members are not restricted from participating in litigation or other legal challenges if they did not participate, and were not entitled to participate, in the deliberations and respective decision of the Board, or in regard to which the the Board has made a



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decision in regard to their interests, in circumstances where they are uniquely impacted by the decision.

### Commentary

*When members are allowed to participate in activities to challenge the Board's properly considered decisions, such as legal challenges or other forms of litigation, this is contrary to the interests of the TCDSB as determined by the decision of the democratically elected governing body, the Board. Formal advocacy can create challenges to staff as to when and how much information can be provided to the Board (legal advice for example) because of the potential for a legal challenge, which may benefit an involved Trustee who would have 'insider knowledge'.*

3. Despite this Regulation, Trustees may seek to have a Board decision reconsidered in accordance with the Board's Operating By-law.

## **16.Reprisals and Obstruction**

1. It is a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of their responsibilities.
2. No Trustee shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the *Code of Conduct*, or against a person who provides information to the Integrity Commissioner in any Investigation.
3. It is a violation of the *Code of Conduct* to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the *Code of Conduct*.



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## 17. Acting on Advice of Integrity Commissioner

1. Any written advice given by the Integrity Commissioner to a Trustee binds the Integrity Commissioner in any subsequent consideration of the conduct of the Trustee in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the Trustee adhered to the advice given.

## 18. Implementation:

1. Trustees are expected to formally and informally review their adherence to the Code on a regular basis or when so requested by the Board.
2. At the beginning of each term, Trustees will be expected to meet with the Integrity Commissioner and/or attend training conducted by the Integrity Commissioner.

### Commentary

Trustees are expected to understand the obligations on elected official set out in this Code of Conduct, and are encouraged to contact the Integrity Commissioner for any clarification required. A Code of Conduct component will be included as part of the orientation for each new term of the Board.



**POLICY SECTION:** TRUSTEES

**SUB-SECTION:**

**POLICY NAME:** TRUSTEE CODE OF CONDUCT

**POLICY NO:** T.04

## **Definitions:**

### **Family**

Includes “child”, “parent” and “spouse” as those terms are defined in the *Municipal Conflict of Interest Act* (set out below for ease of reference), and also includes

- step-child and grand-child;
- siblings and step-siblings;
- aunt/uncle, niece/nephew, first cousins
- in-laws, including mother/father, sister/brother, daughter/son
- any person who lives with the Trustee on a permanent basis.

### **Child**

A child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

### **Parent**

A parent who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

### **Spouse**

A person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;

### **Trustee**

A member of the Board of Trustees of the Toronto Catholic District School Board, including the Chair.

### **TCDSB**

The Toronto Catholic District School Board



**POLICY SECTION:** TRUSTEES  
**SUB-SECTION:**  
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**Social Media**

Publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

**Staff**

Includes the Director of Education, Associate Directors, Superintendents, Directors, Managers, Supervisors [better description of Board Administrative Staff?] and all non-union and union staff whether full-time, part- time, contract, seasonal or volunteers.

**Nomination Day**

The last day for filing or withdrawing a nomination as provided for by the Municipal Elections Act, 1996.

**Evaluation and Metrics:**

The effectiveness of the policy will be determined by measuring the following:

There will be a review by Trustees of this policy every two years starting in January 2018 to ensure understating, awareness and effectiveness.

APPENDIX A

TCDSB CODE OF  
CONDUCT  
COMPLAINT  
PROTOCOL



## TCDSB CODE OF CONDUCT COMPLAINT PROTOCOL

### Definitions:

“Eligible Complainant” means:

- a) a Trustee, student, staff member, contractor or service provider of the TCDSB;
- b) a Roman Catholic (Separate School) elector;
- c) an Eastern Right Catholic;
- d) a representative of an organization demonstrably interested in TCDSB matters; or
- e) such other persons demonstrably interested in TCDSB matters.

### PART A: INFORMAL COMPLAINT PROCEDURE

Any Eligible Complainant who has identified or witnessed behaviour or an activity by a Trustee that they believe is in contravention of the *Trustees Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the Trustee that the behaviour or activity contravenes the Code;
- (2) encourage the Trustee to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the Trustee their satisfaction with the response of the Trustee; or, if applicable, advise the Trustee of their dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All Eligible Complainants are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite

that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

**PART B: FORMAL COMPLAINT PROCEDURE TO BRING ALLEGED BREACHES TO THE ATTENTION OF THE BOARD:**

**Initial Complaint**

1. (1) A request from an Eligible Complainant for an investigation of a complaint that a Trustee has contravened the Trustees Code of Conduct (the “complaint”) shall be brought to the attention of the Board by sending it directly to the Integrity Commissioner by E-mail substantially in the form attached to this Protocol as Schedule “A”, or delivered in hard copy to an address the Integrity Commissioner may designate for that purpose.
- (2) All complaints shall be submitted by an identifiable Eligible Complainant (which includes an authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Trustees Code of Conduct. The complaint should include the name of the applicable Trustee, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.
- (4) Election Blackout Period:

No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to the Board respecting an investigation, within the election period described within s.223.4 and 223.4.1 of the *Municipal Act*, except as described in those sections.

### Classification by Integrity Commissioner

2. (1) Upon receipt of a complaint, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Trustees Code of Conduct and not covered by other legislation, a complaint with respect to the *Municipal Conflict of Interest Act* or other relevant the Board policies.
- (2) If the complaint, on its face, is not a complaint with respect to non-compliance with the Trustees Code of Conduct or another Board policy governing ethical behaviour or the *Municipal Conflict of Interest Act*, or if the complaint is covered by other legislation, the Integrity Commissioner shall advise the complainant in writing as follows:
  - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
  - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter;
  - (c) the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, and shall be provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate. The Integrity Commissioner may proceed with that part of the complaint that is within jurisdiction.
- (3) The Integrity Commissioner may reformulate a complaint by

restating, narrowing or clarifying the complaint so that the public interest will be best served were the complaint to be pursued.

- (4) The Integrity Commissioner may report to the Board that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (5) The Integrity Commissioner shall report annually to the Board on complaints not within the jurisdiction of the Integrity Commissioner, or which have been resolved informally by the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

### **Investigation**

- 3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently and shall report directly to the Board in respect of all such matters. In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol for that purpose shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.
- (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner, be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (3) The Integrity Commissioner shall file an annual report to the Board respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner. Other than in exceptional circumstances, the Integrity Commissioner will not report

to the Board on any complaint described in subsection (2) except as part of an annual or other periodic report.

- (4) Where the Integrity Commissioner rejects or terminates an investigation pursuant to this section, reasons shall be provided.
4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required in the context of a particular situation, the principles of procedural fairness:
- (a) provide the complaint (or where the complaint has been restated in accordance with subsection 2(3), the restatement) and relevant supporting material to the member whose conduct is in question and provide the member with a reasonable opportunity to respond.
- (2) Except where the Integrity Commissioner determines that it is not in the public interest to do so, the name of the complainant shall be provided as part of the complaint documents.
- (3) The Integrity Commissioner may speak to anyone relevant to the complaint, and access and examine any information as the Integrity Commissioner believes to be necessary to support an investigation into a matter, including all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the TCDSB, and the Integrity Commissioner may enter any Board work location relevant to the complaint for the purposes of investigation and settlement.
- (4) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any Trustee unless the member has had reasonable notice of the basis for and an opportunity to comment on the proposed findings.

- (5) The Integrity Commissioner may make interim reports to the Board where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
6.
  - (1) The Integrity Commissioner shall report to the complainant and the respective Trustee generally no later than 90 days after the making of the complaint.
  - (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also submit a public report to the Board outlining the findings, and any recommended corrective action.
  - (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to the Board except as part of an annual or other periodic report.
  - (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Trustees Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
8. the Recording Secretary shall process the report for the next meeting of the Board.

## **Board Review**

9.
  - (1) The Integrity Commissioner's report shall be considered to be a report brought to the attention of the Board pursuant to subsection 218.3(1) of the *Education Act*.

- (2) Consideration of the Integrity Commissioner's report by the Board satisfies the requirement of the Board to make inquiries into the matter pursuant to subsection 218.3 (2) of the Education Act.
- (3) The Board shall consider the Integrity Commissioner's report at a meeting open to the public provided that where the breach or alleged breach involves:
  - (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,

the meeting may be closed to the public to the extent required to permit the Board to consider such confidential content so long as the vote on whether the Trustee has breached the Trustees Code of Conduct, and any vote on any imposition of a sanction, is open to the public.

- (4) If after consideration of the Integrity Commissioner's report the Board determines that a Trustee has breached the Trustees Code of Conduct, the Board may:
  - a) Censure the Trustee
  - b) Bar the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board
  - c) Bar the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board
  - d) Revoke the appointment of the Trustee as Chair of the

Board or as Chair of a Committee of the Board, or as a member of a body to which the Board appoints one or more Trustees

- e) Such other remedies within the Board's power to impose that are directly relevant to the nature of the breach and/or which are designed to prevent future occurrences of a similar breach. Without restricting the generality of the foregoing such remedies may include:
  - a. a request that a genuine apology be made
  - b. training as may be recommended by the Integrity Commissioner
  - c. the Board adopting a public resolution disassociating itself from any action or statement the Trustee has been found to have taken or made.

### **Consequences of the Imposition of a Sanction**

- (5) 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 the members of the public.
- (6) Where a Trustee is barred from attending all or part of a meeting of the Board the Trustee's absence is deemed to be authorization for the Trustee to be absent from the meeting for the purpose of clause 228 (1) (b) of the Education Act.
- (7) If the Board determines that a Trustee has breached the Trustees Code or Conduct under subsection (4),
  - (a) the Board shall give the Trustee written notice of the determination and of any sanction imposed by the Board;
  - (b) 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 a date specified in the notice that is at least 14 days after the notice is received by the member; and  
(c) the Board shall consider any submissions made by the Trustee in accordance with clause (b) and shall confirm or revoke the determination within 14 days after the submissions are received.

- (8) If the Board revokes a determination under clause (7) (c), any sanction imposed by the Board is revoked.
- (9) If the Board confirms a determination under clause (7) (c), the board shall, within the time referred to in that clause, confirm, vary or revoke the sanction.
- (10) If a sanction is varied or revoked under subsection (8) or (9), the variation or revocation shall be deemed to be effective as of the date the original determination was made under subsection (4).
- (11) The Board's deliberations and voting to confirm or revoke a determination that the Trustee has breached the Trustees Code of Conduct, or to confirm, vary or revoke a sanction imposed as a consequence, shall be open to the public and only such portions of the meeting as provided for in subsection (3) may be closed to the public.

### **Confidentiality**

- 10. (1) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
- (2) All reports from the Integrity Commissioner to the Board will be made available to the public.
- (3) Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
- (4) The Integrity Commissioner in a report to the Board on whether a

Trustee has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

**Schedule  
“A”  
Complaint  
Form**

I (name of Eligible Complainant).

being an Eligible Complainant on the basis that I am (select all that are relevant)

- ☐ a Trustee, student, staff member, contractor or service provider of the TCDSB;
- ☐ a Roman Catholic (Separate School) elector;
- ☐ an Eastern Right Catholic;
- ☐ a representative of an organization demonstrably interested in TCDSB matters; or
- ☐ an other person demonstrably interested in TCDSB matters,

hereby request the Integrity Commissioner appointed by the Toronto Catholic District School Board to conduct an inquiry about whether or not the following Trustee(s) has contravened the Trustees Code of Conduct or the *Municipal Conflict of Interest Act*:

(name of Trustee(s))

I have reasonable and probable grounds to believe that the above Trustee(s) has contravened the Trustees Code of Conduct and/or the *Municipal Conflict of Interest Act* by reason of the following (please include date, time and location of conduct, the Rules contravened, and particulars, including names of all persons involved, and of all witnesses, and information as to how they can be reached, (attach additional pages as needed):

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I hereby request the Integrity Commissioner to conduct an inquiry with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry.

## REPORT APPENDIX B

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone: \_\_\_\_\_

All Fields Mandatory

Email completed Complaint to  
Principles *Integrity* at:  
[postoffice@principlesintegrity.org](mailto:postoffice@principlesintegrity.org)



POLICY SECTION: TRUSTEES

SUB-SECTION:

POLICY NAME: Trustees Code of Conduct

POLICY NO: T.04

<b>Date Approved:</b> September 29, 2010	<b>Date of Next Review:</b> February 2019	<b>Dates of Amendments:</b> April 4, 2012 February 24, 2016
<b>Cross References:</b> Municipal Conflict of Interest Act, R.S.O. 1990, CHAPTER M.50 Education Act T.01 Conflict of Interest: Trustees Municipal Freedom of Information and Protection of Privacy Act Criminal Code		
<b>Appendix A- Municipal Conflict of Interest Act</b>		

**Purpose:**

The purpose of this policy is to provide trustees and student trustees with direction and guidelines for their conduct and role in Board Governance as a member of the Toronto Catholic District School Board.

**Scope and Responsibility:**

This policy applies to all trustees and student trustees of the Toronto Catholic District School Board who are responsible for ensuring compliance with this policy.

**Alignment with MYSP:**

Living Our Catholic values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Achieving Excellence in Governance

Providing Stewardship of Resources

Inspiring and Motivating Employees



**POLICY SECTION: TRUSTEES**

**SUB-SECTION:**

**POLICY NAME: Trustees Code of Conduct**

**POLICY NO: T.04**

## **Policy**

**Deliberate with Many Voices: Act with One**

**"Act Justly, Love tenderly and walk humbly with your God" (Micah: 8)**

Toronto Catholic District School Board trustees represent all the citizens in the Catholic community in the City of Toronto and are responsible to the electorate through the democratic process. Fellow citizens have entrusted trustees through the electoral process with the education of all students in the community they serve as their advocates. The public is entitled to expect the highest standard from the school trustees that it elects.

Catholic trustees, as representatives of the Catholic community must ensure that the mission of Catholic education, as part of the broader mission of the Church is fulfilled. Because of this unique and distinctive mission, Catholic school trustees honour a set of additional expectations that have been set for them by the Church and by the Catholic community. The vocational call to trusteeship is to serve.

## **Regulations:**

### **1. Faith, Community and Culture**

Each Toronto Catholic District School Board Trustee ("Trustee") shall, within the duties prescribed in the Education Act, its Regulations and other applicable legislation and reflecting a ministry within the Church:

- a) appreciate that Catholic schools are an expression of the teaching mission of the Church;
- b) provide an example to the Catholic Community that reflects the teaching of the Church;
- c) facilitate the best possible Catholic education according to the programs approved by the provincial Minister of Education and supported by the Canadian Conference of Catholic Bishops;
- d) recognize and rigorously defend the constitutional right of Catholic education and the democratic and corporate authority of the Board;
- e) respect the confidentiality of the Board;
- f) ensure the affairs of the Board are conducted with openness, justice and compassion;



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- g) work to improve personal knowledge of current Catholic educational research and practices;
- h) affirm a strong sense of Christian Catholic Community; and
- i) provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic Education in Canada.
  
- j) Share in the distribution of Board workload including preparing, attending and participating in meetings, committee or other assignments as appointed.

## 2. Integrity and Dignity of Office

Trustees occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional and ethical manner, 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, the Board's By-Laws and Policies and any other Act or Regulation that may be applicable to the Trustee's duties. Trustees are compelled to act on or report breaches, fraud, and/or conflicts to which they witness or come to their attention.

## 3. Civil Behaviour

Trustees share in the responsibility for creating a positive environment that is safe, harmonious, comfortable, inclusive and respectful. As stewards of the system, Trustees are held to a high standard of conduct and should serve as role models of exemplary behaviour reflective of the values articulated in the Ontario Catholic School Graduate expectations.

Among other things, Trustees should:

- respect and comply with all applicable federal, provincial and municipal laws;
- demonstrate honesty and integrity;
- respect differences in people, their ideas, and their opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement



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- respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability; and
- respect the rights of others.

In performing their duties as trustees, and in all matters of communication including email, telephone and face-to-face meetings with staff, parents and other stakeholders, appropriate language and professionalism are expected. Trustees must adhere to all pertinent Board policies.

Subject to the duty of a Trustee under section 218.1(e) of the Education Act to uphold the implementation of any Board resolution after it is passed by the Board, a Trustee may comment on, or disagree with, a decision taken by the Board.

Any Trustee who fails or refuses to comply with the rules of the Board, uses offensive language, disobeys the decisions of the Chair or the Board on points of order, or makes any disorderly noise or disturbance may be ordered by the Chair to leave for the remainder of the meeting, and in the case of a refusal to do so, may, on the order of the Chair, be removed from the room where such meeting is taking place and/or the Board Office. Such a removal will be recorded in the Minutes of the meeting.

Section 207(3) of the Education Act addresses the exclusion of persons from board meetings. It provides: "The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting."

#### 4. Complying with Legislation

All Trustees will comply with the letter and spirit of all laws of Canada and the Province of Ontario and any contractual obligations of the Board in conducting the business of the Board.

The Trustees acknowledge they may only act on behalf of the Board through resolution and may not act individually or purport to represent the interests of the Board without the knowledge and consent of the Board of Trustees shown through resolution.





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Trustees' shall ensure that all information they communicate in the course of their duties is accurate and complete.

It is every Trustee's responsibility to familiarize themselves with their duties and any requirements of them as prescribed by the Education Act, the Municipal Freedom of Information and Protection of Privacy Act, the Municipal Conflict of Interest Act and any other Act or Regulation that may be applicable to the Trustee's duties from time-to-time, and/or Ministry of Education requirements and the Board's By-Laws, Policies and General Administrative Procedures.

All Trustees are expected to comply with the following duties of board members as set out in section 218.1 of the Education Act (as amended from time to time):

"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."

## 5. Upholding Decisions

As a corporate body of Trustees must:



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- a) accept that authority rests with the Board and that they have no individual authority other than that delegated by the Board;
- b) uphold the implementation of any Board resolution after it is passed by the Board;
- c) comply with Board policies and procedures; and
- d) refrain from speaking on behalf of the Board unless authorized to do so.

#### 6. Avoidance of Personal Advantage and Conflict of Interest

All Trustees are expected to comply with the provisions of the Municipal Conflict of Interest Act, attached as Appendix A, which requires that Trustees declare and disclose the general nature of the interest for all direct and indirect pecuniary conflicts of interest and abstain from making a decision.

Trustees are not permitted to vote on or discuss matters in which they have a direct or indirect pecuniary interest. The direct or indirect pecuniary interest of a parent, spouse or child is deemed to be the interest of the Trustee. Subsection 3(1) of the Act provides:

“For the purpose of this Act, the pecuniary interest, direct or indirect, of a spouse...or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.”

Any direct or indirect financial interest on the part of the Trustee may raise a conflict of interest. A direct conflict of interest will arise where the Trustee himself or herself stands to benefit or suffer financially by a decision of the Board.

Where a Trustee, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, or any other conflict of interest in any matter and is present at a meeting of the Board at which the matter is the subject of consideration, the Trustee shall:

- a) prior to any consideration of the matter of the meeting, disclose the interest and the general nature thereof;
- b) not take part in the discussion of, or vote on any question in respect of the matter;
- c) not discuss the issue with any other person;



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- d) not attempt in any way whether before, during or after the meeting to influence the voting on such question; and
- e) leave the meeting or the part of the meeting during which the matter is under consideration.

Where the interest of the Trustee has not been disclosed by reason of the Trustee's absence from the meeting, the Trustee shall disclose the interest and otherwise comply with the above requirements of the first meeting of the Board attended by the Trustee after the meeting referred to above.

When the meeting is open to the public, every declaration of interest shall be recorded in the minutes of the Board meeting. When the meeting is not open to the public, every declaration of interest shall be recorded in the minutes of the next meeting of the Board that is open to the public.

It is an expectation of the Board that Trustees will not only comply with the requirements of the Municipal Conflict of Interest Act, but also avoid conflicts of interest as defined by this Code of Conduct.

Every Trustee is responsible and accountable for exercising good judgement and avoiding situations that might present a conflict of interest or the appearance of a conflict of interest, and where a conflict of interest might exist each Trustee has an affirmative duty to disclose such conflict when it becomes apparent.

No Trustee shall use his or her position, authority or influence for personal, financial or material gain or personal business purposes or for the personal, financial or material gain or business purposes of a relative, friend and/or business associate. Every Trustee shall uphold and enhance all Board business operations by:

- a) maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the Board;
- b) fostering the highest standard of professional competence amongst those for whom they are responsible;
- c) complying with and being seen to comply the letter and spirit of:
  - The laws of Canada and the Province of Ontario,
  - Contractual obligations applicable to the Board; and



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- d) rejecting and denouncing any business practice that is improper or inappropriate or may appear to be improper or inappropriate.

A Trustee shall not use his or her 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.

A Trustee must not participate in any decision or recommendation in which he or she or a relative, friend or business associate may have a financial, commercial or business interest.

All Trustees shall disclose a conflict of interest and/or the general nature of the interest, to the Board of Trustees.

## 7. Lobbying

A lobbyist is an individual, business or organization that is lobbying a member of the board. It is usually defined as direct or indirect efforts to solicit support and influence decisions on behalf of another party or an organization, often away from public scrutiny.

- a) "Consultant lobbyist" means a person who, for payment lobbies on behalf of a client and includes, but is not limited to government relations consultants, lawyers, accountants, or other professional advisors who provide lobbying services for their clients;
- b) "Corporate in house lobbyist" means an owner or employee of a company or corporation that carries on commercial activities for financial gain.

On occasion, lobbyists may attempt to communicate with Trustees for the purpose of influencing Trustees with respect to the procurement of goods and services and the awarding of contracts. Trustees may re-direct such inquiries to the Director of Education. Trustees must not communicate with a lobbyist during a procurement process and must not use their influence to gain nor advance the interests of any particular party during a procurement process.



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Trustees shall be vigilant in their duty to serve public interest when faced with lobbying activity.

#### 8. Respect for Confidentiality

All Trustees acknowledge that, as part of their duties to the Board they 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 that they may be privy to private and confidential student and personnel information, 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.

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

The confidentiality of personal/educational student and family information received in the course of duties must be respected, protected and kept confidential. Information received should not be discussed or reviewed in public or where another student, parent, employee or member of the school community or public could accidentally overhear or read such information.

Except as required by law, and in accordance with the Education Act and Municipal Freedom of Information and Protection of Privacy Act, all Trustees agree not to use or disclose the personal and/or educational information of students and their families that may come to the attention of a Trustee.



**POLICY SECTION: TRUSTEES**

**SUB-SECTION:**

**POLICY NAME: Trustees Code of Conduct**

**POLICY NO: T.04**

A Trustee's duty of confidentiality with respect to private and confidential financial, business and/or commercial information, personnel information, student information, and legal matters and opinions survives his or her term as Trustee.

#### 9. Board Resources

No Trustee shall use Board resources for personal gain including re-election campaign work. No Trustee shall permit 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.

#### 10. Enforcement of Code of Conduct and the Municipal Conflict of Interest Act

In accordance with the provisions of section 218.3 of the Education Act, a breach of this Code of Conduct by a Trustee may be dealt by the following procedures:

A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board alternatively a Roman Catholic Elector and Eastern Right Catholics may petition to the Board of Trustees directly.

If an alleged breach is brought to the attention of the Board, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether there has been a breach.

If the Board determines that a Trustee has breached this Code of Conduct, the Board may impose one or more of the following sanctions; progressive approach to sanctions will be considered when dealing with Trustee issues including personal contact, clarification, redirection, request for an apology, reprimand, censure and or other sanctions as per board motion:

- a) Censure of the Trustee.



**POLICY SECTION: TRUSTEES**

**SUB-SECTION:**

**POLICY NAME: Trustees Code of Conduct**

**POLICY NO: T.04**

- 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 Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board.
- d) Removal of the Chair or Vice-Chair of the Board or Committee.

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 the members of the public.

In appropriate circumstances, the Board may also resolve to disassociate the Board from any action or statement of a Trustee.

If a Board determines that a Trustee has breached this Code of Conduct, the Board shall give the Trustee written notice of the determination and of 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 14 days after the notice is received by the Trustee.

The Board shall consider any submissions made by the Trustee and shall confirm or revoke the determination within 14 days after the Trustee's submissions are received.

If the Board revokes a determination that a Trustee has breached this Code of Conduct, any sanction imposed by the Board is also revoked.

If the Board confirms a determination that a Trustee has breached this Code of Conduct, the Board shall, within 14 days after the Trustee's submissions were received, confirm, vary or revoke the sanction(s) imposed by the Board.

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



**POLICY SECTION: TRUSTEES**

**SUB-SECTION:**

**POLICY NAME: Trustees Code of Conduct**

**POLICY NO: T.04**

Despite subsection 207(1) of the Education Act which requires meetings of the Board to be open to the public, but subject to the requirements below for specific resolutions of the Board to be made in public, the Board may close to the public the part of the meeting during which a breach or alleged breach of this Code of Conduct is considered when the breach or alleged breach involves any of the following matters:

- a) the security of the property of the Board;
- b) the disclosure of intimate, personal or financial information in respect of a Trustee or committee, an employee or prospective employee of the Board or a student or his or her parent or guardian;
- c) the acquisition or disposal of a school site;
- d) A progressive approach to sanctions will be considered when dealing with Trustee issues including personal contact, clarification, redirection, request for an apology, reprimand, censure and or other sanctions as per board motion;
- e) decisions in respect of negotiations with employees of the Board; or
- f) litigation affecting the Board.

The Board shall do the following things by resolution at a meeting of the Board, and the vote on the resolution shall be open to the public:

- a) Make a determination that a Trustee has breached this Code of Conduct.
- b) Impose a sanction on a Trustee for a breach of this Code of Conduct.
- c) Confirm or revoke a determination regarding a Trustee's breach of this Code of Conduct.
- d) Confirm, vary or revoke a sanction after confirming or revoking a determination regarding a Trustee's breach of this Code of Conduct.

A Trustee who is alleged to have breached this Code of Conduct shall not vote on any of the resolutions listed above.

When a resolution listed above is passed, the resolution shall be recorded in the Minutes of the meeting.

The Statutory Powers Procedure Act does not apply to any of the enforcement provisions under section 218.3 of the Education Act.

Nothing in this Code of Conduct prevents a Trustee's breach of the Municipal Conflict of Interest Act from being dealt with in accordance with that Act.





**POLICY SECTION: TRUSTEES**

**SUB-SECTION:**

**POLICY NAME: Trustees Code of Conduct**

**POLICY NO: T.04**

A trustee who is subject to a Board inquiry to determine whether the trustee has breached the Code of Conduct has a right to retain and be represented by legal counsel throughout the process. Legal expenses will not be paid unless extraordinary circumstances are determined by Board motion.

The required vote on any resolutions of determination or sanctions will be made by a 2/3 majority of all Trustees on the Board not including the accused Trustee.

#### 11. Guidelines for Gifts and Hospitality

Moderate hospitality and gifts are an accepted courtesy of a business relationship. However, the recipients should not allow themselves to reach a position whereby they might be influenced in making a business decision as a consequence of accepting such hospitality.

Trustees should not use their position for improper gain or benefit, nor under any circumstances accept gifts of more than \$25.00.

#### 12. This document will be present and reviewed with newly elected Trustees and signed only as having been received and understood.



**POLICY SECTION: TRUSTEES**

**SUB-SECTION:**

**POLICY NAME: Trustees Code of Conduct**

**POLICY NO: T.04**

**Definitions:**

**Trustee**

A person elected or acclaimed to the office of trustee of the Board pursuant to the provisions of the Municipal Elections Act or appointed to the office of trustee pursuant to the provisions of the Education Act.

**Evaluation and Metrics:**

The effectiveness of the policy will be determined by measuring the following:

There will be a review by Trustees of this policy every two years starting in January 2018 to ensure understanding, awareness and effectiveness.

## GOVERNANCE AND POLICY COMMITTEE

### PENDING LIST TO JANUARY 12, 2021

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	Mar-2017 Governance and Policy	TBC	Governance and Policy	Report regarding consultations with CLSIT and conversations with the Archdiocese in regards to the content of the policy ( <b>Update to Chaplaincy Program Policy</b> )	Superintendent Fernandes
2	June-2017 GAP	TBC	Governance and Policy	Staff to bring back after the Ministry of Education's Transportation report is considered ( <b>Update to Transportation Policies S.T.01, 03, 04 and 05</b> )	Superintendent Fernandes
3	Mar-2018 Regular Board	TBC	Governance and Policy	That the matter be referred to the Governance and Policy Committee ( <b>Photographing and Filming of Individuals at Board and Committee Meetings</b> )	Superintendent Fernandes
4	May-2018 Governance and Policy	TBC	Governance and Policy	Staff was requested to add the policy to the Governance and Policy Committee work plan for the development of an Omnibus policy ( <b>Update to School Events Communications and Invitee Protocols Policy (S.02).</b> )	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
5	Jun-2018 Corporate Services	TBC	Governance and Policy	That the Pupil Accommodation Review Policy and Operating Procedures be referred to the Governance and Policy Committee to be updated to reflect changes to the Pupil Accommodation Review Guidelines with extensive community and Section E Implementation, Strategic Communications and Stakeholder Engagement Plan ( <b>Ministry Memo 2018: B10 – Final Pupil Accommodation Review Guidelines and Updated on Integrated Planning and Supports for Urban Education</b> )	Superintendent Fernandes
6	Jan-2019 Governance and Policy	TBC	Governance and Policy	That all existing and new policies be reviewed to reflect the Ontario Human Rights Commission (OHRC) Accessible Education for Students with Disabilities Policy Document and that once completed, that they be brought back to GAP Committee; and  That staff develop a policy reflective of the OHRC Accessible Education for Students with Disabilities Policy Document ( <b>SEAC Minutes, 2018-09-19, Item 9g) Ontario Human Rights Commission (OHRC) Policy Document Article on Special Education Inclusion</b> )	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
7	Mar-2019 Special Board	TBC  <i>Subject to NEW Ministry policy/regulation dealing with student exclusions</i>	Governance and Policy	<p>That the TCDSB establish a comprehensive policy regarding the refusal to admit special education students and those with special needs and disabilities to school; and</p> <p>That a refusal to admit policy should depend on the TCDSB ensuring that students excluded from attending school are provided an equivalent educational program; and</p> <p>That students should not be excused unless it can be demonstrated that the student presents an imminent risk to health or safety; and</p> <p>That the policy include:</p> <p>Circumstances when a refusal to admit is permitted, and when it is not permitted;</p> <p>Procedures that must be followed when refusing to admit a student;</p> <p>Timelines dictating the maximum number of consecutive days a student can be excused from school;</p>	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
8				<p>An appeal process; and</p> <p>Data documentation and process for reporting to SEAC and Board.</p> <p>That the policy should include where the TCDSB refuses to accommodate students with special education disabilities in regular classrooms without needed supports or services, the principal be required to provide written notice and rationale of this to the family and that the Superintendent be copied; and</p> <p>That a refusal to admit policy be referred to the Governance and Policy Committee; and that staff prepare a comprehensive report on the implementation of a refusal to report policy.</p>	
	Apr-2019 Student Achievement	TBC	Governance and Policy	That staff create a policy regarding Forms of Acceleration for Gifted and Talented Students and that it be presented to the Governance and Policy Committee for consideration	Superintendent Fernandes
	February 2020 Governance & Policy	March 2021	Governance and Policy	That the Policy be provided to the Catholic Schools Parent Council (CSPC) Chairs and invite their feedback by March 30, 2020, and that feedback be shared by Staff at the	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
10				April 14, 2020 Governance and Policy Meeting ( <b>New Policy on Age Appropriate Placement - Curriculum and Program Supports</b> ).	
	July 2020 Special Board	TBC	Governance and Policy	That the Strategic Reserves Policy be directed to the Governance and Policy Committee to consider a revision to this policy to allow for increased funding of the playground Reserve ( <b>2020-21 Budget Estimates Overall and Instructional</b> )	Superintendent Fernandes
	August 2020 Regular Board	February 2021	Governance and Policy	That the draft documents in Appendix A and Appendix B of the report be referred to the Governance Committee and Policy Committee and the By-Law Committee for their consideration ( <b>Revision of Toronto Catholic District School Board (TCDSB) By-Law #175 to Include the Authority of the Integrity Commissioner in the Governance Model</b> )	Superintendent Fernandes
12	October 2020 By-Law Review	TBC	Governance and Policy	<p>The Board will provide the means to participate electronically in Board and Committee meetings in accordance with the provisions of the Act and <i>Ontario Regulation 463/97 – Electronic Meetings</i>.</p> <p>The Board will adopt a process to ensure the security and confidentiality of proceedings held during closed (private) meetings and review the procedures</p>	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				<p>annually.</p> <p>Members will make every effort to provide notice to Board Services if they intend to participate electronically by 5 p.m. on the day prior to the Board or Committee meeting.</p> <p>No more than half of Board or Committee meetings in a twelve (12) month period can be chaired electronically in accordance with <i>Ontario Regulation 463/97 – Electronic Meetings</i>.</p> <p>All members participating via teleconference who are not speaking must use the mute function on their device.</p> <p>Student Trustees may not participate electronically in meetings that are closed to the public in accordance with the Act (<b>Proposal: Add/Change Electronic Participation</b> that the By-law Ad Hoc Committee recommend that Proposal 22 be referred to the Governance and Policy Committee</p>	



Governance and Policy Committee  
2021 Policy Priority Schedule

<b>GAP Date</b>	<b>Policy</b>	<b>Policy #</b>	<b>Key Contact (s)</b>
<b>January 11</b>	<a href="#"><u>Trustees Code of Conduct</u></a>	T.04	P. Matthews/Jeff Abram
<b>February 2</b>	<a href="#"><u>Permits</u></a>	B.R.05	M. Loberto
	<a href="#"><u>Suspensions and Expulsions</u></a>	S.S.01	M. Caccamo
	<a href="#"><u>Delegation Registration Form</u></a>	T.14	C. Onyia
	<a href="#"><u>Signing Officers(Rescindment)</u></a>	F.M.02	P. De Cock
<b>March 2</b>	Acceleration and Retention of Students (NEW)	S.P.03	M. Meehan
	<a href="#"><u>Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns</u></a>	A. 33	J. Wujek/M. Sequeira
<b>April 6</b>	<a href="#"><u>International Languages (Elementary)</u></a>	S.P.05	L. DiMarco
	<a href="#"><u>Vandalism (RESCIND)</u></a>	B.M.01	M. Farrell
	<a href="#"><u>Plaques for New Schools</u></a>	B.P.02	D. Freisen
<b>May 4</b>	<a href="#"><u>Research Conducted in the TCDSB</u></a>	S.19	M.Vanayan/L.DiMarco
	<a href="#"><u>Facilities Management</u></a>	B.B.01	M. Farrell
	<a href="#"><u>Signage - New Sites and Building Projects</u></a>	B.P.03	D. Friesen
	<a href="#"><u>Childcare Centres</u></a>	B.R.02	S. Campbell
	<a href="#"><u>Child Care and Family Support Programs</u></a>	B.R.02	S. Campbell
<b>June 1</b>	<a href="#"><u>Selection of Learning Materials</u></a>	S.M.06	L.DiMarco/G.Iuliano
	<a href="#"><u>Information and Communication Technology - Hardware and Software Standards</u></a>	A.34	O. Malik
	<a href="#"><u>Eastern Rite Employee's Holy Days</u></a>	H.M.01	A. Della Mora
	<a href="#"><u>Awards, Funds, Scholarships</u></a>	F.F.01	P. De Cock
<b>September 7</b>	<a href="#"><u>Legal Counsel</u></a>	A.12	C. Onyia
	<a href="#"><u>Art Collection</u></a>	A.22	M. Farrell ???
<b>October 5</b>	<a href="#"><u>Access Control</u></a>	B.B.05	M. Farrell
	<a href="#"><u>Credit and Purchase Cards</u></a>	A.24	P. De Cock
	<a href="#"><u>Parking - Church Use</u></a>	B.G.05	M. Farrell
	<a href="#"><u>Offering of Hospitality and Gifts</u></a>	F.M.07	P. De Cock

<b>November 2</b>	<a href="#">Outdoor Play Environment</a>	B.G.01	M. Farrell
	<a href="#">Advocacy</a>	A.06	C. Onyia
	<a href="#">Sweatshop-Free Purchasing</a>	F.P.04	P. De Cock
<b>December 7</b>	<a href="#">Non-Union Employee Handbook</a>	H.M.02	A. Della Mora
	<a href="#">Equipment</a>	F.P.07	M. Farrell/D.Friesen