



## APPENDIX E

### ADDENDUM TO THE

### TORONTO CATHOLIC STRICT SCHOOL BOARD OPERATIONAL BY-LAW TRUSTEE CODE OF CONDUCT

#### **SECTION 1: Purpose**

The Trustee Code of Conduct supports both legislated requirements and Board policies, procedures and By-Laws that support the governance and accountability framework at the Toronto Catholic District School Board. The Education Act requires the Board to establish a Trustee Code of Conduct.

A Trustee position is an elected position, which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

This Trustee Code of Conduct (“Code”) represents the commitment of the Board of Trustees to meeting high standards of conduct and is designed to provide the trustees with principles and standards for expected ethical behaviour in accordance with the Board’s Mission, Vision and Values, [\(link to this\)](#) and priorities outlined in the Multi-Year Plan [\(link to this\)](#)

#### **SECTION 2: Definitions**

##### *Board*

The Toronto Catholic District School Board (TCDSB).

##### *Discrimination*

See definition in \_\_\_\_\_

##### *Harassment*

See definition in \_\_\_\_\_

##### *Integrity Commissioner*

An individual who is appointed by the Board of Trustees in accordance with the Toronto Catholic District School Board Operational By-Law.

### *Official Business*

Duties and responsibilities of trustees as prescribed by all applicable legislation, including but not limited to the Education Act and outlined in Board policy, procedure and By-Laws.

*Presiding Officer*

The person chosen to preside over a meeting of the Board or committee of the Board and who enforces parliamentary rules outlined in the Operational By-Law and any other applicable legislation and/or parliamentary authority. For clarity, this includes the Chair of the Board and Trustee Committee Chairs.

*Staff Members*

Employees of the Toronto Catholic District School Board.

*Trustees (Member of the Board)*

Members of the Toronto Catholic Region District School Board, including student trustees and the Chair of the Board, who are elected, appointed or acclaimed in accordance with the Education Act and Municipal Elections Act.

**SECTION 3: Application**

The Code and Complaint Protocol apply to all Trustees and student trustees.

Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the provincial government. The conduct of the Trustees must be of the highest standard to maintain confidence in public education.

This Code operates as a supplement to the existing statutes governing the conduct of Trustees in all their roles. The following primary provincial and federal legislation govern the conduct of Trustees.

- [Education Act](#)
- [Municipal Conflict of Interest Act](#)
- [Municipal Elections Act, 1996](#)
- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Occupational Health and Safety Act](#)
- [Ontario Human Rights Code](#)
- [Child and Family Services Act](#)
- [Criminal Code of Canada](#)

If there is uncertainty about the scope of any of the clauses contained in the Code, Trustees shall consult with Corporate Secretariat and Trustee Services or the Director of Education.

**SECTION 4: Integrity and Dignity of Office**

1. Trustees shall serve and be seen to serve their school communities in a constructive, respectful, conscientious and diligent manner.
2. Trustees shall recognize that the expenditure of school board funds is a public trust and endeavor to see that funds are expended efficiently, in the best interest of students.
3. Trustees shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

4. Trustees shall ensure comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff or fellow Trustees.
5. Trustees, as ethical leaders of the Board, must at all times uphold the dignity of office and conduct themselves in a professional manner that will not discredit or compromise the integrity of the Board.
6. Trustees are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
7. Trustees shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and TCDSB By-Laws, policies and procedures.
8. Trustees are obligated to maintain confidentiality.
9. Trustees shall not advance an allegation of misconduct and/or a breach of the Code that is trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee.
10. Trustees shall respect and understand the roles and duties of individual trustees, the Board of Trustees, the Director of Education and the Chair of the Board.

### **SECTION 5: Confidentiality**

1. Confidential information includes;
  - information with respect to litigation or potential litigation affecting the Board and information subject to solicitor-client privilege;
  - 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 their parent or guardian;
  - information about the acquisition or disposal of the Board's real property, including a school site;
  - decisions with respect to negotiations with Staff Members;
  - information discussed during Private (In-Camera) Sessions of the Board pursuant to Section 207(2) of the Education Act;
  - information protected under The Municipal Freedom of Information and Protection of Privacy Act. or any other relevant legislation;
  - information received in confidence from other third parties of a corporate, commercial, scientific or technical nature;
  - investigations by the Integrity Commissioner; and,
  - investigations by the Ombudsman.
2. All Trustees shall keep confidential any information disclosed or discussed at a Board or committee meeting that was closed to the public. For clarity, Trustees shall keep confidential and not disclose the content of any matter, or the substance of deliberations, of a meeting that is closed to the public, unless required by law or until the Board of Trustees discusses the information at a meeting that is open to the public or releases the information to the public.

3. No trustee shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the Trustees' Term of Office.
4. Trustees should not access or attempt to gain access to confidential information in the custody or control of the Board unless it is necessary for the performance of their duties and the use and/or disclosure of the information is permitted in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
5. No trustee shall use confidential information for either personal gain or to the detriment of the Board.
6. If there is uncertainty about whether information is confidential, the trustee should consult with the Director of Education or another appropriate staff member.

### **SECTION 6: Gifts, Benefits and Hospitality**

1. Trustees are required to adhere to all Board policies, procedures and supporting documents and Ministry directives with regard to gifts, benefits and hospitality. A gift, benefit or hospitality provided with the Trustee's knowledge to a Trustee's spouse, child or a parent, that is connected directly or indirectly to the performance of the Trustee's duties is deemed to be a gift to that trustee.
2. There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to official trustee business.
3. The following are recognized as exceptions, which do not apply in the case of vendors of goods and services, or those expecting to be vendors to the Board:
  - a. compensation authorized by law;
  - b. such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  - c. a political contribution otherwise reported by law, in the case of Trustees running for office;
  - d. services provided without compensation by persons volunteering their time;
  - e. a suitable memento of reasonable value in keeping with an office of a public official to honour the Trustee;
  - f. 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 by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity such as, but not limited to attendance at a ceremonial, presentation or representational role on behalf of the Board;
  - g. food and beverages consumed at banquets, receptions or similar events, if:
    - attendance serves a legitimate business purpose;
    - the person extending the invitation or a representative of the organization is in attendance; and
    - the value is reasonable and the invitations infrequent;
  - h. communication to a trustee, including newspapers and periodicals;
  - i. gifts of a nominal value (e.g., baseball cap, t-shirt, book, etc.).

4. No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the trustee when performing his or her duties. Any such gifts received shall be reported to Corporate Secretariat and Trustee Services.
5. The trustee should consult with Corporate Secretariat and Trustee Services staff for advice.

### **SECTION 7: Use of Board Property, Services and Other Resources**

1. No Trustee should use, or permit the use of Board staff members, Board events, Board facilities, Board funds, Board information and Board infrastructure or other resources such as, but not limited to Board-owned materials, websites, Board-provisioned technology and social media platforms for activities other than the business of the Board. Such requests should be made through the Director of Education.
2. No Trustee may obtain personal financial gain from the use or sale of Board-developed intellectual property such as, but not limited to inventions, creative writings and drawings, computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Board.

### **SECTION 8: Election Campaign Work**

1. Election activity refers to campaigns for municipal, provincial and federal office or campaigns on a question on a ballot.
2. All trustees shall adhere to the provisions outlined in the Board policy including, but not limited to the [Partisan Activities and Campaigning](#) policy and [Municipal, Provincial and Federal Elections Guideline](#) and refrain from;
  - using Board facilities, equipment, supplies, services or other resources of the Board for any election campaign or campaign-related activities; and/or
  - using staff resources for election-related purposes during hours in which those persons receive any compensation from the Board.
3. No Trustee shall undertake campaign-related activities on Board property during regular working hours unless permitted by Board policy.

### **SECTION 9: 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. This includes using the influence of the office to obtain employment for a family member, or otherwise using one's status as a trustee to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.
2. Also prohibited is the holding out of the prospect or promise of future advantage through a Trustee's supposed influence within the Board in return for present actions or inaction. It includes refraining from using one's status to improperly influence the decision of another person to improperly prejudice another person(s).

3. For the purposes of this section, “private advantage” and “improperly prejudice” does not include a matter:
  - a) that is of general application;
  - b) that affects a trustee, their parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
  - c) a committee or Board matter that concerns the remuneration or benefits of a Trustee.

### **SECTION 10: Conduct Regarding Current and Prospective Employment**

1. No trustee shall allow the prospect of their future employment by a person or entity to improperly or for personal gain affect the performance of their duties to the Board.

### **SECTION 11: Conduct at Board, Advisory and Committee Meetings**

1. Trustees act in the service of the community. They have the opportunity to set an example for future leaders who may look to them for guidance and leadership. They are expected to respect the procedural rulings of the Chair or Presiding Officer and refrain from verbally attacking or belittling those who complain or do not agree with them.
2. It is vital that trustees conduct themselves with decorum at Board, advisory and committee meetings and in accordance with the provisions of the Operational By-Law concerning meeting procedures.
3. When expressing individual views, trustees shall respect differing points of view from other trustees, staff, students and the public.

### **SECTION 12: Conduct Respecting Staff Members**

1. No Trustee shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of Staff Members of the Board, and all Trustees shall show respect for the professional capacities of staff members.
2. No Trustee shall compel staff members to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
3. Trustees shall be respectful of the role of Staff Members to provide advice based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board of Trustees. No trustee shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff Member with the intent of interfering with that person’s duties, including the duty to disclose improper activity.
4. Individual Trustees shall not provide direction to Staff Members. Trustees work with the Chair of the Board and the Director of Education. The Director of Education is responsible for communicating directions and associated expectations to staff on behalf of the Board of Trustees.

### **SECTION 13: Discreditable Conduct**

1. All Trustees have a duty to treat members of the public, one another, and staff members respectfully and without abuse, bullying or intimidation.
2. The Ontario Human Rights Code, Occupational Health and Safety Act and all associated Board policies and procedures apply.
3. This section applies to all forms of written and oral communication.

### **SECTION 14: Failure to Adhere to the Board Policies, Procedures and Supporting Documents**

1. Trustees are required to adhere to all TCDSB Operational By-Laws, policies, procedures and supporting documents.

### **SECTION 15: Reprisals and Obstruction**

1. Trustees should respect the integrity of the Code and are obliged to cooperate with inquiries conducted in accordance with the Complaint Protocol.
2. It is a violation of the Code to obstruct the Integrity Commissioner in the carrying out of their responsibilities, for example, by destroying documents or erasing electronic communications.
3. Any reprisal or threat of reprisal against a complainant or person providing information to the Integrity Commissioner is prohibited.
4. Any reprisal or threat of reprisal against the Integrity Commissioner in the carrying out of their responsibilities is prohibited.

### **SECTION 16: Chair of the Board/Presiding Officer**

1. The presiding officer shall exercise their powers and duties in a fair and impartial manner having due regard for every Trustee's opinion or views.
2. The Presiding Officer shall adhere to parliamentary procedures as outlined in the Board's Operational By-Law.
3. The Presiding Officer is authorized under Section 207(3), *Exclusion of persons, of the Education Act* to expel or exclude from any meeting, any person who has been guilty of improper conduct at the meeting. This may be done at the sole discretion of the Presiding Officer without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The Presiding Officer must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached the Code.
4. Trustees shall respect the role of the Chair of the Board in accordance with Board policy, Operational By-Law and the provisions outlined in Section 218.4, Additional duties of chair, of the Education Act.



## **SECTION 17: Upholding Decisions**

1. Trustees shall accept that decision-making authority rests with the Board of Trustees and no trustee or group of trustees have power to make decisions unless otherwise delegated by the Board or the Education Act.
2. Trustees shall uphold the implementation of any board resolution after it is passed by the Board. Reconsideration of a Board decision may only be permitted in accordance with the Board's Operational By-Law.
3. A Trustee should be able to explain the rationale for a decision of the Board and respectfully state their position provided it does not undermine the Board's decision.
4. The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other trustee shall speak on behalf of the Board unless expressly authorized by the Chair or the Board to do so. When individual trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

## **SECTION 18: Integrity Commissioner**

1. If there is uncertainty about whether an action or activity refers to conduct prohibited by the Code, a trustee may directly seek the advice of the Integrity Commissioner. This shall not constitute an inquiry or investigation by the Integrity Commissioner pursuant to the Complaint Protocol. Where a Trustee has received written advice on a particular matter, the advice is binding on the Board in any subsequent consideration of the conduct of the Trustee in the same matter as long as the Trustee disclosed all relevant facts to the Integrity Commissioner at the time the advice was provided.
2. The Integrity Commissioner may work with the Chair and/or in-house legal counsel when providing advice to trustees about the Code.

## **SECTION 19: Sanctions**

1. The Education Act authorizes the Board of Trustees to impose one or more of three sanctions following an inquiry into whether the trustee has breached this Code of Conduct.
  - a. Censuring the trustee.
  - b. Barring the trustee from attending all or part of a meeting of the Board of Trustees or a meeting of the committee of the Board of Trustees.
  - c. Barring the trustee from sitting on one or more committees of the Board of Trustees, for the period of time specified by the Board of Trustees.
2. The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or requirement to complete specified professional development at the expense of the Board.
3. The Board has no power to declare the seat vacant or suspend a trustees' honorarium.

## **History**

Approved: \_\_\_\_\_

Revised: \_\_\_\_\_



**TORONTO CATHOLIC DISTRICT SCHOOL  
BOARD TRUSTEE CODE OF CONDUCT  
ACKNOWLEDGEMENT AND UNDERTAKING**

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I confirm that I have read, understand and agree to abide by the Toronto Catholic District School Board Trustee Code of Conduct and the enforcement processes outlined in the Complaint Protocol for the Trustee Code of Conduct.

**DATE:** \_\_\_\_\_

**Trustee (Please Print):** \_\_\_\_\_

**SIGNATURE OF TRUSTEE:** \_\_\_\_\_

**Witness (Please Print):** \_\_\_\_\_

**SIGNATURE OF WITNESS:** \_\_\_\_\_