



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

Date Approved:	Date of Next Review:	Dates of Amendments:
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Cross References:

- 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
- Harassment and Discrimination Policy H.M.14*
- Fair Practice in Hiring and Promotion Policy H.M.40*
- Trustee Services and Expenditures Policy T.17*
- Trustee Honorarium T.05*

Appendix A – Trustee Code of Conduct Protocol

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.



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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.



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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.



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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



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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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- 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



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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 cumulative 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	\$250 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.



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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.

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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.