



POLICY NAME:	TRUSTEE CODE OF CONDUCT
POLICY SECTION:	Administration and Governance
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RESPONSIBLE DEPARTMENT:	Legal Services

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Purpose:

The Toronto Catholic District School Board (**the “TCDSB”**) is an inclusive, welcoming and respectful Catholic community committed to ensuring the inherent and infinite dignity and worth of every person. Recognizing every person is created in the image and likeness of God, each are deserving of respect at all times. The Board of Trustees of the Toronto Catholic District School Board (**the “Board”**) **is committed** to governance that ensures a welcoming, inclusive, and safe space for all to live, learn, work and thrive.

1. Trustees (**as defined herein**) shall serve the public and their constituents in a conscientious and diligent manner.
2. Trustees shall 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.
5. The policy is in alignment with TCDSB’s Multi-Year Strategic Plan (MYSP), and reflects Catholic values rooted in the love of Christ.
- ~~6. If one or more changes are set out in a Board resolution under section 4(1)~~

~~of Ontario Regulation 312/24, Code of Conduct will be updated to reflect changes made in the year of review.~~

~~7. of conduct.~~

Definitions:

The following terms shall have the following meanings in this Code of Conduct:

“Child” means 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;

“Code” means the Trustee Code of Conduct.

“Complaint Protocol” means the complaint protocol appended to the Code at Appendix A and applies to complaints under the Code.

“Confidential Information” includes information or records that are in the possession, in the custody or under control of the TCDSB that the TCDSB is either precluded from being disclosed under applicable legislation, the Board’s Operating By-law or any of its other by-laws, policies, rules or procedures, or that it is required to refuse to disclose the *Municipal Freedom of Information and Protection of Privacy Act* or other legislation.

“Family” includes Child, Parent and Spouse, as defined herein, 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.

“Integrity Commissioner” means the integrity commissioner as duly appointed by the Board pursuant to the *Education Act* and relevant regulations to independently carry out the functions set out therein.

“Parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family.

“Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

“Trustee” means a person elected, acclaimed, or appointed to the office of trustee of the Board according to the provisions of the *Education Act* or the *Municipal Elections Act*.

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:

~~The~~ **(1) the** Trustee fully discloses the interest so as to provide transparency about the relationship; and

~~The~~ **(2) the** Trustee states why the interest does not prevent the Trustee from making an impartial decision on the matter.

- i. 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*.
- ii. Trustees shall not participate in the decision-making processes associated with their office when they have a disqualifying interest in a matter.
- iii. 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.

iv. 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.
 - 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.
- v. 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 4716, "Acting on Advice of Integrity Commissioner."~~
- vi. Trustees shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the ~~board~~ **TCDSB** or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.

- vii. 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.
- viii. Despite paragraph 7 vii, 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.
- ix. Despite paragraph 7 vii, 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.

2. Gifts, Benefits and Hospitality

In this Regulation:

“**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~~ **(1) compensation** authorized by law;
- ~~ii. Political~~ **(2) political** contributions otherwise reported by law, in the case of Trustees running for office;
- ~~iii. Services~~ **(3) services** provided by persons volunteering their time;
- ~~iv. Contributions~~ **(4) contributions** of value that are specifically addressed in other provisions of this Code; ~~v.~~
- (5)** Gifts provided to the TCDSB and which are logged, archived and/or publicly displayed as such.

~~b. A~~ **For clarity**, 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.

e. **"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.

f. **"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 Ontario Catholic Trustees' Association or conducted by providers of continuing education).

g. **"Business Hospitality"** means entertainment, food and beverages consumed at banquets, receptions or similar events, if:
i. (1) attendance serves a legitimate business purpose; ii. (2) the person extending the invitation or a representative of the organization is in attendance; and iii. (3) the value is reasonable and the invitations infrequent.:

h. **"Publications"** means communication to the offices of a Trustee, including subscriptions to newspapers, and periodicals.

- i. A Trustee shall not accept any a Gift from any person, group, or entity that has dealings with the TCDSB if a reasonable person might conclude that the **Gift could influence the Trustee** when performing their duties, **unless (a) the Gift is of nominal value; (b) the Gift** is given as an expression of courtesy or hospitality; **and (c) accepting the Gift** is reasonable in the circumstances.
- ii. 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.
- iii. 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 the conditions set out in Column ‘C’.

- iv. 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.
- v. 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.
- vi. 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 been 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.
- vii. 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.

Gift Treatment and Disclosure			
A	B	C	D
Type of Gift	Examples	<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>

Gift Treatment and Disclosure			
A	B	C	D
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 (allowable with IC approval)
	Office Hospitality	\$100	No limit

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.

- i. 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;
- 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 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 ensure that payment is received by a means that does not involve cash, including bank draft, money order, credit card or cheque made payable to the applicable group or organization.

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

4. Confidential Information

- i. **No Trustee shall use or disclose Confidential Information obtained or made available to them in their role as Trustee except as authorized by law or by the Board.**
- ii. **No Trustee shall use information described in 4.i in a manner that would be detrimental to the interests of the TCDSB or the Board or for the purpose of personal gain or for the gain of the Trustee's Family.**
- iii. 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.
- ~~ii. 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.~~
- ~~iii. No Trustee shall use or disclose confidential information trustee except~~

~~as authorized by law or by the board. For clarity, this includes use or disclosure to anyone or entity, including use or disclosure for personal or private gain, or for the gain of Family members or any person or corporation.~~

~~iv. No trustee.iii board member's parent, spouse or child.~~

- i. ~~v.~~No Trustee shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of ~~Board~~ **TCDSB** property or assets.
- ii. Trustees shall not access or attempt to gain access to ~~confidential information~~ **Confidential Information** in the custody of the ~~Board~~ **TCDSB** unless it is necessary for the performance of their duties and is not prohibited by Board policy.

5. Use of Board Resources

- i. No Trustee shall use or permit the use of ~~board~~ **TCDSB** resources for any purpose than the business of the ~~board~~ **Board**.
- ii. No Trustee shall obtain personal financial gain from the use or sale of ~~board~~ **TCDSB** 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.
- iii. 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.
- iv. 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.
- v. 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

- i. Trustees are required to follow the provisions of the *Municipal Elections Act*, 1996 and Trustees are accountable under the provisions of that statute.
- ii. No Trustee shall use the facilities, equipment, supplies, services, staff or other resources of the ~~Board~~ **TCDSB** (including ~~the Board's~~ **TCDSB** newsletters, individual websites linked through the ~~Board's~~ **TCDSB** 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~~ **Trustee** uses any social media account for campaign purposes, such account must not be created or

supported by ~~Board~~ **TCDSB** 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. Trustees are allowed to place campaign phone numbers, websites and E-mail addresses on election pages on the ~~Board~~ **TCDSB** website. All of which is available and authorized for all candidates for ~~school~~ Board office.
- iii. In a municipal election year, commencing 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~~ **TCDSB** facilities to communicate important notifications to separate school supporters in their ward by E-mail or by letter on the Trustee's usual letterhead.
 - iv. In a municipal election year, commencing on 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.
 - v. No Trustees shall use the services of persons for campaign related Activities during hours in which those persons receive any compensation from the ~~Board~~ TCDSB. ~~vi. The Integrity Commissioner may at any time be consulted with regard to complying with any part of Regulation 6~~

7. Improper Use of Influence

- i. No Trustee shall use the influence of their office for any purpose other than for the exercise of their official duties.
- ii. If the ~~Board~~ **TCDSB** has taken a position in an Ontario ~~Municipal Board/Local Planning Appeal~~ **Land** Tribunal (“~~OMB/LPAT~~ **OLT**”) matter and instructed ~~the Board’s~~ legal counsel to appear at a hearing in support of such position, no ~~member of the Board~~ **Trustee** who disagrees with such position shall give evidence at such hearing or otherwise work against the will of the ~~Board~~ **TCDSB** in such matter. With the consent of the lawyer assigned to represent the Board at an ~~OMB/LPAT~~ **OLT** hearing, a ~~member of the Board~~ **Trustee** who is in support of the Board instructions to such lawyer, may give evidence at an ~~OMB/LPAT~~ **OLT** hearing. Notwithstanding the above, if the ~~OMB/LPAT~~ **OLT** 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~~ **OLT** mediator.
- iii. ~~ii.~~ Pursuant to section 283 of the *Education Act*, the Director of Education is the ~~CEO~~ **chief education officer and chief executive officer** of the ~~Board~~ **TCDSB** and has exclusive authority to direct ~~Board~~ staff. The Board, and not individual Trustees ~~appropriately~~, give direction to the Director of Education.
- iv. ~~iii.~~ 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~~ **Family member**, friend and/or business associate. Every Trustee shall uphold and enhance all ~~Board~~ **TCDSB** business operations by:
 - a. maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the ~~Board~~ **TCDSB**;
 - b. fostering the highest standard of professional competence amongst those for whom they are responsible;
 - c. complying with and being seen to comply **with** the letter and

spirit of: **(1)** The laws of Canada and the Province of Ontario;
and (2) 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

- i. 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.
- ii. No Trustee shall borrow money from any person who regularly does business with the Board **TCDSB** 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.
- iii. 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 **TCDSB**.
- iv. No Trustee shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

9. Trustee Conduct

- i. Trustees shall comply with the ~~board's code of conduct~~ **Code** and any applicable Board **TCDSB** by-law, resolution, policy or procedure.
- ii. When acting or holding themselves out as ~~trustee~~ **member of the Board**, the ~~trustee~~ **Trustee** shall conduct themselves in a manner that would not discredit or compromise the integrity of the ~~board~~ **TCDSB**.
- iii. When acting or holding themselves out as a ~~trustee~~ **member of the Board**, the ~~trustee~~ **Trustee** shall treat persons equally without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- iv. ~~Conduct at~~ Trustees shall encourage public respect for the **TCDSB**, the Board and ~~Committee Meetings~~ **its by-laws**.

- v. **No Trustee** shall give notice of an alleged breach of the **Code** if the allegation is frivolous or vexatious or the notice is given in bad faith.
- vi. ~~Trustees~~ shall conduct themselves at the Board and committee meetings with decorum in accordance with the provisions of the Board's Operating By-law.
- vii. ~~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.
- viii. ~~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.
- ix. ~~Trustees shall conduct themselves with the appropriate decorum at all times~~ **Trustees shall uphold the implementation of any Board resolution after it is passed by the Board.**

10. Media Communications

- i. ~~No board member~~ **Trustee** shall act as a spokesperson to the public on behalf of the ~~board~~ **TCDSB or the Board** unless authorized to do so.
- ii. 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.
- iii. ~~Trustees will keep confidential information confidential, until such a time as the matter can be properly made public.~~ 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.

~~11. Respect for Board By-laws and Policies~~

- ~~i. Trustees Board and its bylaws~~
- ~~ii. Trustees shall adhere to such by laws, policies and procedures adopted by the Board that are applicable to them.~~

11. ~~12.~~Respectful Workplace

- i. Trustees are governed by the Board's *Harassment and Discrimination Policy H.M.14* **(or any successor policy)**. 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.
- ii. All complaints received involving Trustees under the *Harassment and Discrimination Policy H.M.14*. **(or any successor policy)** shall be referred to the Integrity Commissioner ~~for processing~~ in accordance with both the said policy and the ~~Trustees Code of Conduct Complaints Protocol~~.
- ~~iii. No trustee code of conduct under subsection 218.3 (1) of the Act~~
- ~~iv. No trustee shall engage in reprisal or the threat of reprisal against:~~
 - ~~• a member the code of conduct under, or~~
 - ~~• any person who provides information to an integrity commissioner appointed to investigate.~~
- iv. ~~v.~~The Ontario Human Rights Code applies in addition to the Board's *Harassment and Discrimination Policy H.M.14* **(or any successor policy)**.

12. ~~13.~~Conduct Respecting Staff

- i. 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.
- ii. 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.

- iii. 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.
- iv. 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 **TCDSB**.

13. ~~14.~~ Employment of a Trustee's Relatives/Family Members and Acquaintances

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

14. ~~15.~~ Not Undermine, Work Against the Board's Decisions

- i. Trustees shall not actively undermine the implementation of the Board's decisions.
- ii. 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~~ **a sanction has been imposed a penalty or reprimand following a report of** ~~by~~ 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 Board has made a decision in regard to their interests, in circumstances where they are uniquely impacted by the decision.
- iii. Despite this Regulation, Trustees may seek to have a Board decision reconsidered in accordance with the Board's Operating By-law.

15.46-~~Reprisals and Obstruction~~

- i. It is a violation of the ~~Trustee Code of Conduct~~ to obstruct the Integrity Commissioner in the carrying out of their responsibilities.
- ii. No Trustee shall ~~threaten or undertake any active~~ **engage in reprisal or the threat of** reprisal against a ~~person~~:
 - a. **an individual** initiating an inquiry or ~~complaint under~~ who gave notice of an alleged breach of the ~~Trustee Code of Conduct~~ **pursuant to the requirements set out in the Complaint Protocol appended at Appendix A;** or
 - b. **any** person who provides information about the alleged breach to the Integrity Commissioner ~~in any investigation~~.
- iii. It is a violation of the ~~Trustee 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's ~~of Conduct's~~ **Complaint Protocol**.

16.17. Acting on Advice of Integrity Commissioner

- i. **A Trustee is entitled to seek the advice of the Integrity Commissioner with respect to their own obligations under the Code of Conduct or any ethical policy, procedure or rule.**
- ii. 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.

17. 18. Implementation

- i. Trustees are expected to formally and informally review their adherence to the Code on a regular basis or when so requested by the Board.
- ii. 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.
- iii. The ~~Trustee Code of Conduct~~ applies to a Student Trustee elected to serve on the Board pursuant to Section 55 of the *Education Act* and the Regulations made thereunder, provided that:
 - a. In giving broad, liberal interpretation to any provision of the ~~Trustee Code of Conduct~~ any necessary changes shall be inferred given the context and role of a Student Trustee
 - b. Regulation 6, Election Campaigns, does not apply to Student Trustees; and
 - c. Any complaint regarding whether a Student Trustee breached the Code of Conduct shall be administered by the appropriate Board personnel responsible for student discipline and not the Integrity Commissioner, however the Integrity Commissioner may be consulted for guidance on the liberal interpretation and application of the ~~Trustee Code of Conduct~~.

19. Voting on Resolutions

~~This Regulation pertains to any Board of Trustee resolutions made in accordance with, and pursuant to, Article 2.10.10 of the Board's Operating By law, Number 175 (as amended at April 21, 2016).~~

~~This Regulation provides that with respect to resolutions on the things identified in Article 2.10.10 of the Board's Operating By law, the required vote on any resolutions of determinations or sanctions will be made by a 2/3 majority of all Trustees on the Board, not including the accused Trustee.~~

Cross References:

Ministry of Education Policy/Program Memorandum

- 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

TCDSB Policy /Procedure

- *Harassment and Discrimination Policy*
- *Fair Practice in Hiring and Promotion Policy*
- *Communications*
- *Trustee Services and Expenditures Policy*
- *Trustee Honorarium*
- ~~*Code of Conduct*~~

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)

Child

A-

Nomination Day

The last day for filing or withdrawing a nomination as provided for by the 1996.

Evaluation and Metrics:

The policy will be reviewed as required and in accordance with the timelines outlined in Ontario Regulation 312/24 as follows:

- The next review of ~~to~~ **the Code shall** be completed no later than May 15, 2027.
- ~~each~~ Each subsequent review will be completed every four (4) years and no later than May 15 in the year of review.
- **Where changes are made to the Code by resolution of the Board, the Board shall update the Code by no later than August 31 of the year of the review.**
- **This Code of Conduct will be publicly available on the Board's website and indicate the effective date of every change made to the Code (other than changes of a typographical or similar nature).**
- The Board will maintain an archive of all previous versions of its Code, indicating the period during which each version applied, and shall ensure that the versions are publicly accessible.