

<i>Rainy River District School Board</i>	SECTION 1 <i>Governance</i>
TRUSTEE CODE OF CONDUCT	1.08

POLICY

Trustees of the Rainy River District School Board will act at all times in a manner that will bear the closest public scrutiny and will uphold the letter and spirit of the Code of Conduct.

RATIONALE

Trustees must impartially discharge their duties in accordance with this policy to ensure and to maintain public confidence in the abilities and integrity of the Board.

IMPLEMENTATION

As per guidelines.

GUIDELINES

1.0 General Guidelines

- 1.1 Trustees shall work with other Trustees and staff in a spirit of respect, openness, courtesy, and cooperation. Trustees shall not engage in conduct during meetings or committees of the Board, or at any other time that would discredit or compromise the integrity of the Board
- 1.2 Trustees shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board
- 1.3 Trustees should be able to explain the rationale for a resolution passed and are required to uphold the implementation of any Board resolution after it is passed. A Trustee may respectfully state their position on a resolution provided it does not in any way undermine the implementation of the resolution.
- 1.4 Trustees who resist the rule of the Board, use offensive language, disobey the decision of the Chair or the Board on points of order, or make any disorderly noise or disturbance may, unless an apology is offered, be ordered by the Chair to leave for the remainder of the meeting, and in the case of refusal to do so, may, on the order of the Chair, be removed. Such removal is to be recorded in the minutes of the meeting.
- 1.5 Trustees shall comply with Board Bylaws, policies and procedures, Ministry of Education requirements, as well as the provisions of the *Education Act* and Regulations, *Municipal Freedom of Information and Protection of Privacy Act*, and any other *Act* or Regulation that may be applicable to the Trustee's duties

2.0 Duties of the Trustee

- a. A Trustee shall:
- i. carry out their responsibilities in a manner that assists the Board in fulfilling its duties under the *Education Act*, the regulations and the guidelines issued under this *Act*, including but not limited to the Board's duties under section 169.1.
 - ii. attend and participate in meetings of the Board, including meetings of Board committees of which they are a member and events of the Board.
 - iii. endeavour to participate in professional development opportunities to enhance their ability to fulfil obligations.
 - iv. consult with parents/guardians, students, and supporters on the development of the Board's Strategic Plan, and once developed, promote the Plan.
 - v. ensure that their comments are relevant to the topic, issue-based and not personal, demeaning or disparaging toward others.
 - vi. act with decorum and respect the differing points of view of other Trustees, staff, students, and the stakeholders.
 - vii. bring concerns of parents/guardians, students, and supporters of the Board to the attention of the Board.
 - viii. recognize that the Chair is the spokesperson to the public on behalf of the Board, unless otherwise delegated.
 - ix. uphold the implementation of any resolution.
 - x. entrust operations of the Board to its staff through the Director of Education.
 - xi. develop policies with a focus on student achievement and well-being.
 - xii. understand that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.

3.0 Conflict of Interest

- 3.1** A conflict of interest exists when the decisions and/or actions of a Trustee during the course of exercising their duties are affected by or perceived by another party or person to be affected by the Trustee's personal, financial or business interests or the personal, financial or business interests of a relative, friend, and/or business associate of the Trustee.

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

- 3.2** Trustees shall not use their 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. All Trustees shall disclose a conflict of interest or potential conflict of interest, and the general nature of the interest, to the Board.
- 3.3** In all situations where a Trustee or their spouse, child or parent has a pecuniary interest in a matter before the Board, that trustee must declare a conflict of interest, disclose the general nature of the interest, and abstain from discussions and voting with respect to that issue.
- 3.4** Where conflicts of interest arise during an in-camera session of the Board, the Trustee must excuse themselves from the room during discussion and deliberation of the issue for which they have a conflict.

3.5 Trustees shall not use Board resources directly or indirectly for personal gain or permit their spouses, relatives, friends, and/or business associates to use Board resources directly or indirectly for personal gain

4.0 Business Integrity

4.1 Trustees shall uphold and enhance all Board business by following the Broader Public Sector Procurement Directive Code of Ethics (Appendix A).

4.2 Trustees shall not accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence a Trustee.

4.3 Trustees must not use their position for improper gain, nor under any circumstances accept gifts of cash, bonds, securities, personal loans, airline tickets, use of a vacation property or costly entertainment.

4.4 Trustees must not accept hospitality and/or gifts from a business relationship if they might be influenced in making a Board decision as a consequence of accepting such hospitality and/or gifts.

5.0 Confidentiality

5.1 Trustees acknowledge that they may be privy to private, confidential, and/or legally-privileged financial, business, and/or commercial information, private and confidential student and personnel information, and/or legal matters and opinions.

Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of their position, except when required by law or authorized by the Board to do so.

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

5.2 Unless required to divulge information by law, Trustees shall keep confidential any information disclosed or discussed at a meeting of the Board or Committee of the Board that was closed to the public.

5.3 Except as required by law, Trustees and former Trustees recognize that inappropriate use of confidential information for their benefit may constitute a criminal break of trust contrary to s. 122 of the *Criminal Code*

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

6.0 Identifying and Investigating a Breach of the Code

6.1 Identifying a Breach of the Code

- a. In accordance with the provisions of s.218.3 of the *Education Act*, a breach of this Code of Conduct by a Trustee may be dealt with through the following procedures:
 - i. A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board. A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.
 - ii. Any allegation of a breach of the Code must be brought to the attention of the Chair of the Board no later than six (6) weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstance shall an inquiry into a breach of the Code be undertaken after the expiration of six (6) months from the time the contravention is alleged to have occurred.
 - iii. It is expected that whenever possible, allegations of a breach by a Trustee shall be investigated following the Informal Complaint Procedure. It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a Trustee to a breach of the Code is to assist the Trustee in understanding their obligations under the Code.
 - iv. If an allegation of a breach of the Code of Conduct is with respect to the non-compliance with a more specific Board Policy with a separate complaint procedure, the allegation shall be processed under that policy.
 - v. Serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the Formal Complaint Procedure.
 - vi. In no circumstance shall the Trustee who brought the complaint of a breach, or the Trustee alleged to have breached the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.
 - vii. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read the Vice Chair of the Board.
 - viii. When needed, two alternate Trustees (Trustee Code of Conduct Committee) shall be chosen by the Board to be used when the circumstance warrant that one or both Trustees are needed in place of the Chair and/or Vice Chair of the Board to carry out any of the duties required under this Code of Conduct and Enforcement.
 - ix. Nothing in this Code prevents the Chair or Vice Chair of any meeting of the Board or committee of the Board from exercising their power pursuant to s. 207(3) of the *Education Act* to expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. For greater certainty, this may be done at the sole discretion of the Chair or Vice Chair and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.
 - x. The Chair of the Board or Vice Chair of any meeting of the Board or committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or views.

- xi. All Trustees shall follow the Board bylaws and/or the adopted Rules of Order and meeting procedures contained in any policy. A breach of a rule of order shall be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order.
- xii. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the enforcement of the Code of Conduct, except for persistent improper use of the applicable rules of order by the Chair or Vice Chair.

6.2 Informal Complaint Procedure

- a. The Chair of the Board, on their own initiative, or at the request of a Trustee (without the necessity of providing a formal written complaint) who alleges a breach has occurred, may meet informally with the Trustee who is alleged to have breached the Code. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour.
- b. The remedial measures may include a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by the Ontario Education Services Corporation Professional Development Program for School Board Trustees.
- c. The Informal Complaint Procedure is conducted in private.
- d. If the Chair and the Trustee alleged to have breached this Code cannot agree on a remedy, then a formal complaint may be brought against the Trustee alleged to have breached this Code and that complaint will be dealt with in accordance with the Formal Complaint Procedure.

6.3 Formal Complaint Procedure

- a. A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may bring it to the attention of the Board by first providing to the Chair, a written, signed complaint setting out the following:
 - i. the name of the Trustee who is alleged to have breached the Code;
 - ii. the alleged breach or breaches of the Code;
 - iii. information as to when the breach came to the Trustee's attention;
 - iv. the grounds for the belief by the Trustee that a breach of the Code has occurred; and
 - v. the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.
- b. If a written complaint is filed with the Chair, a formal inquiry shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with through the Informal Complaint Procedure.
- c. In an election year a complaint respecting a Trustee who is seeking re-election shall not be acted on during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences. If the Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The limitation period for investigating a complaint shall be extended as necessary.

- d. The Chair of the Board shall provide to all Trustees of the Board a confidential copy of the complaint within ten (10) days of receiving it. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether the Trustee has breached this Code.

6.4 Formal Inquiry Procedure

- a. If the Chair is of the opinion that the complaint is out of time, trivial, frivolous, vexatious, or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, this information in writing shall be brought to the Committee of the Whole in camera to decide whether a formal inquiry shall not be conducted.
- b. If a formal inquiry of an allegation of a breach is undertaken, it shall be done so by the Chair and Vice Chair or Code of Conduct Committee if the Chair and Vice Chair are alleged to have breached the Code of Conduct. The following steps shall be followed:
 - i. The *Statutory Powers Procedure Act* does not apply to anything done regarding the enforcement of this Code of Conduct. No formal trial-type hearing will be conducted.
 - ii. Procedural fairness and the rules of natural justice shall govern the formal inquiry.
 - iii. The formal inquiry will be conducted in private.
 - iv. The formal inquiry may involve both written and oral statements by any witnesses, the Trustee bringing the complaint, and the Trustee who is alleged to have breached the Code of Conduct.
 - v. The Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in a private meeting and in writing.
- c. The Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within ten (10) days of receiving the written allegation, or such extended period of the time as the investigators deem appropriate in the circumstance.
- d. If the Trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal inquiry, the formal inquiry will continue in their absence.
- e. Once the formal inquiry is complete, the investigators shall provide a confidential draft copy of their report to the Trustee who is alleged to have breached the Code of Conduct and the Trustee who brought the complaint, for their written comment. The two Trustees shall have ten (10) days, or such reasonable period as deemed appropriate by the investigators, from the receipt of the draft report to provide a written response to ensure no errors of fact are contained within the draft report.
- f. If the Chair and Vice Chair when conducting the formal inquiry cannot agree on the final finding of facts, it shall be referred to an outside investigator to complete the formal inquiry.
- g. The final report shall outline the finding of facts, but not contain a recommendation or opinion as to whether the Code of Conduct has been breached. This will be determined by the Committee of the Whole in camera.

6.5 Suspension of Formal Inquiry

If the investigators, when conducting the formal inquiry, discover that the subject-matter is being investigated by police, that a charge has been laid, or is being dealt with in accordance with a

procedure established under another *Act*, the formal inquiry shall be suspended until the police investigation, charge or matter under another *Act* has been finally disposed of. This shall be reported to the Committee of the Whole in camera.

6.6 Formal Inquiry Decision

- a. A decision by the Board of Trustees as to whether the Code of Conduct has been breached and the sanction, if any, for the breach shall be made in public following the Committee of the Whole in camera session.
- b. Trustees shall consider only the findings in the final report when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter.
- c. No sanction shall be imposed if:
 - i. the Board determines that there has been no breach of the Code of Conduct; or
 - ii. that a breach occurred although the Trustee took all reasonable measures to prevent it; or
 - iii. that a breach occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith.
- d. The determination of a breach of the Code of Conduct and the imposition of a sanction or sanctions must be done by resolution of the Board in public session. The reasons for the decision shall be recorded in the minutes of the meeting. All resolutions shall be decided by a vote of at least 2/3 of the Trustees present and voting.
- e. Despite s. 207 (1) of the *Education Act*, the part of the meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207(2) (a) to (e) being:
 - i. the security of the property of the Board;
 - ii. the disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board or a pupil or their parent or guardian;
 - iii. the acquisition or disposal of a school site;
 - iv. decisions in respect of negotiations with employees of the Board; or
 - v. litigation affecting the Board.
- f. The Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether there is a breach or the imposition of a sanction. The Trustee who brought the complaint to the attention of the Board shall not vote on those resolutions.
- g. The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but shall not participate in the deliberations, and shall not be required to answer any questions at that meeting.
- h. The Trustee who is alleged to have breached the Code of Conduct shall not in any way, after the final report is completed, influence the vote on the decision of breach or sanction, except as permitted below after these decisions have been made.

6.7 Sanctions

- a. If the Board determines that the Trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions:

- i. Censure of the Trustee.
 - ii. Barring the Trustee from attending all or part of a meeting of the Board, or a meeting of a committee of the Board.
 - iii. Barring the member from sitting on one or more committees of the Board, for the period specified by the Board.
- b. The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.
- c. A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.
- d. The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the *Education Act* regarding absences from meetings.
- e. If the First Nation Trustee is found to have breached the Code of Conduct, there shall be a consideration of the role of a First Nation Trustee in representing the interests of First Nation students of the Board and the impact of the sanction, prior to imposing any sanction for a breach of the Code of Conduct.

6.8 Appeal

- a. If the Board determines that a Trustee has breached the Board's Code of Conduct the Board shall:
 - i. give the Trustee written notice of the determination, the reasons for the
 - ii. decision and any sanction imposed by the Board;
 - iii. the notice shall inform the Trustee that they may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice that is at least fourteen (14) days after the notice is received by the Trustee; and
 - iv. consider any submissions made by the Trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received.
- b. If the Board revokes a determination, any sanction imposed by the Board is revoked.
- c. If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary, or revoke the sanction.
- d. If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination was made.
- f. The Board decisions to confirm or revoke a determination or confirm, vary or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public. Both resolutions shall be decided by a vote of at least two two-thirds of the Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination. The Board shall provide to the Trustee alleged to have breached the Code of Conduct written notice of the decision to confirm or revoke the determination together with reasons for the decision and written notice of any decision to confirm, vary or

revoke a sanction. The Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. The Trustee who brought the complaint may not vote.

- g. The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but may not participate in the deliberations and shall not be required to answer any questions at that meeting.

If appropriate, the original sanction may be stayed pending the reconsideration by the Board of the determination or sanction.

7.0 Review of the Trustee Code of Conduct

7.1 This policy will be provided to Trustees following a new term of office.

7.2 Each Trustee will indicate an understanding of, and agreement to, the guidelines of the Trustee Code of Conduct within one month of receiving this policy.

Definitions:

Bias means and includes an inclination; bent; preconceived opinion; and a predisposition to decide a cause or an issue in a certain way, which does not leave the mind open to objectively treat all matters fairly and equally.

The **Board** refers to the Board of Trustees of the Rainy River District School Board

Broader Public Sector Procurement Directive or BPS Procurement Directive means the Broader Public Sector Procurement Directive issued by the Management Board of Cabinet effective July 1, 2011, as same may be amended from time to time.

Conflict of interest means and includes a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity. An apparent conflict of interest is one in which a reasonable person would think that the Trustee's judgment is likely to be compromised. A conflict of interest may exist when the decisions and/or actions of Trustees during the course of exercising their duties are affected by or perceived by another party or person to be affected by the Trustee's personal, financial or business interests or the personal, financial or business interests of a relative, friend, and/or business associate of the Trustee.

Favour means any act on the part of a Supplier for the benefit of a Trustee or a relative, friend and/or business associate of the Trustee which may be perceived as having been made with a view to influencing process.

Natural Justice is a judicial principle comprised of the right to a decision made in the absence of bias, the right to review in detail all evidence of any allegation against one's self, and the right to a fair opportunity to rebut said allegation.

Preferential treatment includes unfairly affording opportunities to one or more Suppliers at the expense of all other Suppliers that are eligible to participate in the opportunities.

Supplier includes any person or organization that, based on an assessment of that person's or organization's financial, technical and commercial capacity, is capable of fulfilling the requirements of

the Board’s procurement of goods and/or services.

Supply Chain Activities means and includes all activities directly or indirectly related to the Board’s planning, sourcing, procurement, moving, and payment processes. Budgeting, planning and requesting, as well as the approval and processing of the acquisition for goods and services are all Supply Chain Activities.

Trustee means a Trustee of the Board.

<u>CROSS-REFERENCE</u>	<u>Date Approved</u> October 4, 2022	<u>LEGAL/MINISTRY OF EDUCATION REFERENCE</u>
<p>Policies:</p> <ul style="list-style-type: none"> ▪ 1.07 The Role of the Board ▪ 1.41 Trustee Expenses ▪ 8.09 Procurement ▪ 8.22 Expense Claims ▪ 8.36 Hospitality ▪ 8.45 Fraud Prevention and Management <p>Procedures:</p> <ul style="list-style-type: none"> ▪ 1.23 Student Trustee ▪ 1.25 Use of Corporate Resources for Elections ▪ 8.45 Fraud Prevention and Management <p>Board Procedural Bylaws</p>	<p><u>Board Motion</u> 294</p> <p><u>Review Prior to</u> 2027</p>	<p><i>Education Act</i>, s. 207(3), s. 218.1(c); s.169.1</p> <p><i>Municipal Freedom of Information and Protection of Privacy Act</i> R.S.O. 1990, C. M56</p> <p>School Board Handbook, the Ontario Public School Boards’ Association (OPSBA)</p> <p>Broader Public Sector Procurement Directive</p>

Appendix A – Broader Public Sector (BPS) Procurement Directive Code of Ethics

This Code of Ethics does not supersede the Board’s Code of Conduct above, but supplements the Code of Conduct with standards of practice specific to the Supply Chain.

Goal: To ensure an ethical, professional and accountable BPS Supply Chain.

Personal Integrity and Professionalism

Trustees involved with Supply Chain Activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all Supply Chain Activities within and between the Board, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Trustees must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.

Accountability and Transparency

Supply Chain Activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money. Trustees must ensure that Board resources are used in a responsible, efficient and effective manner.

Compliance and Continuous Improvement

Trustees involved with purchasing or other Supply Chain Activities must comply with this Code of Ethics and the laws of Canada and Ontario. Trustees should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.