



**DURHAM CATHOLIC
DISTRICT SCHOOL BOARD**
Learning and Living in Faith

Memorandum

To: Board of Trustees
From: Tracy Barill, Director of Education
Date: March 27, 2023
Subject: **Trustee Code of Conduct Presentation**

Please find attached a copy of the Trustee Code of Conduct presentation.

TB/eb
Attachment: Trustee Code of Conduct Presentation

Trustee Code of Conduct

March 27, 2023

Regular Board Meeting

7:30 p.m.

Regulation 246/18 - MEMBERS OF SCHOOL BOARDS - CODE OF CONDUCT

Code of Conduct

1. (1) Every board shall adopt a code of conduct that applies to the members of the board.

(3) Every board shall make its code of conduct available to the public.

Review of code of conduct

(2) Every board referred to in subsection 1 (2) shall review its code of conduct, in accordance with subsection (3), on or before May 15, 2023 and on or before May 15 in every fourth year thereafter.

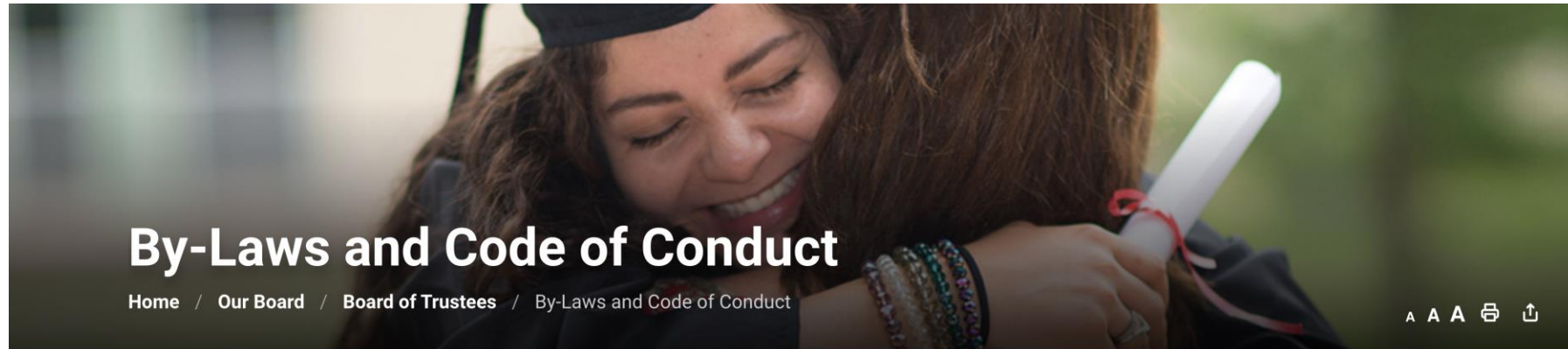
Regulation 246/18 - MEMBERS OF SCHOOL BOARDS - CODE OF CONDUCT

(3) A board shall review a code of conduct by complying with the following requirements:

1. The board shall determine whether any changes are required to the code of conduct and,
 - i. if changes are required, make the required changes, or
 - ii. if no changes are required, confirm the existing code of conduct.

2. The board shall pass a board resolution setting out the course of action determined under paragraph 1.

General Working By-Law Number 2021 and Supplementary Documents (Rev. Oct. 25, 2022)



The Durham Catholic District School Board General Working By-Law Number 2021, together with the Education Statutes and Regulations of Ontario, govern the affairs of the DCDSB.

[General Working By-Law Number 2021](#)

[Trustee Code of Conduct](#)

[Board Governance Role Descriptions](#)

[Trustee Vacancy Appointment Procedure](#)

[Commissioning of Catholic Trustees](#)

[Rite of Renewal of Trustees](#)

Mandate and Terms of Reference:

[Audit Committee](#)

Our Board

Board of Trustees +

▪ [By-Laws and Code of Conduct](#)

▪ Check! Direction of Catholic School Support

▪ Good Governance for Board of Trustees

▪ How to Become a Catholic School Trustee



Revision

With the adoption of the new Multi-Year Strategic Plan, Inspire 2026, the Trustee Code of Conduct will be revised to reflect our Board's new Mission Statement:

To be an inclusive Catholic learning community that inspires every student to achieve their full potential through faith and education.

Catholic Faith Community and Culture

Each Durham Catholic District School Board Trustee (“Trustee”) as an extension of the Church’s ministry shall, within the duties prescribed in the *Education Act*, Regulations and other applicable statutes:

- recognize and affirm that Catholic schools are an expression of Catholic Church teachings;
- model in word and deed their commitment to the teachings of the Church;
- provide a Catholic education consistent with programs approved by the Canadian Conference of Catholic Bishops and the provincial Minister of Education;
- defend the constitutional right of Catholic education and the democratic and corporate authority of the Board;

Catholic Faith Community and Culture (con't)

- respect the confidentiality of the Board;
- conduct the affairs of the Board with a spirit of collaboration, openness, justice and compassion;
- commit to improve personal knowledge of current Catholic educational research and practices subject to Board policy;
- affirm the development of Christian Catholic Community; and
- provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic education.

Integrity and Dignity of the Office

Holding positions of public trust and confidence, Trustees shall:

- discharge their duties and responsibilities professionally, ethically and in a manner that is consistent with Gospel values, the teachings of the Catholic Church, the *Education Act* and Regulations, the *Municipal Freedom of Information and Protection of Privacy Act* and Regulations, the *Municipal Conflict of Interest Act*, the Board's By-laws, Policies and other applicable statutes;
- act in the best interests of the Durham Catholic District School Board, taking into account members of the public and stakeholders served by the DCDSB;
- commit to excellence in Catholic education by promoting student achievement and well-being through the delivery of effective and appropriate education programs and effective stewardship of the board's resources.

Civil Behaviour

Sharing in the responsibility to create a positive governance environment that is safe, inclusive and respectful, Trustees shall:

- act with decorum and be respectful of other Trustees, the Director of Education, staff, all members of the Durham Catholic District School Board community and the public;
- serve as role models of exemplary behaviour reflective of the values articulated in the Ontario Catholic School Graduate Expectations, including but not limited to:
 - respecting all applicable federal, provincial and municipal laws;
 - adhering to Robert's Rules of Order;
 - demonstrating honesty and integrity, respecting differences in people, their ideas, and their opinions, treating one another with dignity and respect at all times, and especially when there is disagreement;
 - respecting and treating others fairly, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, disability or other difference.

Civil Behaviour (con't)

- be prepared for meetings, avoiding at all times unnecessary disruptions and refraining from engaging in conduct that contributes to a tone of sarcasm or denigration;
- adhere to the Acceptable Use Policy with respect to on-line communications and demonstrate professionalism in communication with stakeholders and other community members;
- comply with all policies of the board;
- notwithstanding the right of individual trustees to debate a motion before the Board, and personally disagree with a decision of the Board, a Trustee shall publicly uphold resolutions approved by the Board and at all times refrain from making disparaging or offensive remarks.

Civil Behaviour

- comply with all policies of the board;
- notwithstanding the right of individual trustees to debate a motion before the Board, and personally disagree with a decision of the Board, a Trustee shall publicly uphold resolutions approved by the Board and at all times refrain from making disparaging or offensive remarks.

Comply with Legislation

Individual Trustees shall comply with the duties of Board members, including but not limited to those set out in section 218.1 of the *Education Act*, which states that:

A member of a board shall,

- (a) carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under this Act, the regulations and the guidelines issued under this Act, including but not limited to the board's duties under section 169.1;*
- (b) attend and participate in meetings of the board, including meetings of board committees of which he or she is a member;*
- (c) consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1(1)(f);*

Comply with Legislation

- (d) use appropriate communication protocols to bring concerns of parents, students and supporters of the board to the attention of the board;*
- (e) uphold the implementation of any board resolution after it is passed by the board;*
- (f) entrust the day-to-day operations and management of the board to its staff through the Board's Director of Education;*
- (g) maintain focus on student achievement and well-being through the development of policies; and*
- (h) comply with the Board's code of conduct.*

Upholding Decisions

As the governing body of a corporation, Trustees understand that they may deliberate with many voices, but must govern as one. Trustees shall therefore:

- accept that authority rests with the Board of Trustees and that an individual Trustee has no independent authority to make decisions or act on behalf of the Board, except as specifically delegated by resolution of the Board;
- uphold the implementation of any Board resolution after it is passed by the Board;
- comply with Board policies and procedures; and
- refrain from speaking on behalf of the Board unless authorized by resolution of the Board to do so.

Avoidance of Personal Advantage and Conflict of Interest

Trustees are subject to the *Municipal Conflict of Interest Act*, and in addition are responsible and accountable for exercising good judgment and avoiding situations that might present a conflict of interest or the appearance of a conflict of interest.

Only the Trustee may declare that their own interest is in conflict with the interest of the Board.

Conflict of Interest (Con't)

Where a Trustee, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest in any matter, whether direct or indirect, as defined by the *Municipal Conflict of Interest Act*, and the Trustee is present at a meeting of the Board or Committee at which the matter is the subject of consideration, the Trustee:

The Trustee:

- a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Where the meeting *in camera*, the Trustee shall, in addition to complying with the requirements herein, forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

Pecuniary Interest

A pecuniary interest is **any interest involving money**. The pecuniary interest can be direct or indirect.

a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body, that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

3 *For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.*

Disclosure of Interest

- The Trustee shall also file a written statement of the interest and its general nature with the Secretary of the Board.
- The Board shall establish and maintain a registry in which it will keep a copy of each statement of interest filed with the Secretary, and a record of each declaration of an interest. The register shall be available for public inspection.
- The Trustee is also prohibited from using their office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

Perceived or Potential Conflict of Interest

DCDSB Trustees are responsible for maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the Board.

Trustees must not therefore use their position, authority or influence to give any person or organization special treatment that might, or might be perceived to, advance the interests of the Trustee, or the interests of a relative, friend and/or business associate of the Trustee, or in any manner conflict with the interests of the Board.

Perceived or Potential COI (Con')

- No requirement that a Trustee act on the basis of a perceived conflict of interest. However, each Trustee must evaluate whether or not their judgment and decision-making could be conflicted by other interests and whether a particular decision made as a Trustee could result in a personal advantage. If so, they should refrain from acting in that matter.
- Trustee shall exercise extreme caution and discretion in accepting any gift, hospitality or benefit from a person or entity that has dealings with the Board. Where a reasonable person could conclude that the gift hospitality or benefit could have real, potential or perceived influence on a Trustee in the performance of their duties to the Board, the gift should be refused.

Lobbying

In the interests of fair and transparent procurement practices and in compliance with the *Broader Public Sector Procurement Act*, Trustees have an obligation to:

- i. report any inquiries or communications for the purpose of influencing the procurement of goods and services and the awarding of contracts to the Director of Education;
- ii. refrain from communicating with anyone during a procurement process and abstain from exercising their influence to gain or advance the interests of any individual or group during such a process.

Respect for Confidentiality

Recognizing that protecting the confidential information of the DCDSB is a fiduciary duty of every Trustee, each Trustee shall abide by the confidentiality agreement attached hereto as Appendix A.

Respect for Board Resources

Trustees shall not use Board resources for personal gain, and shall not permit their relatives, friends and/or business associates to use Board resources for personal gain. Trustees recognize that such inappropriate use of Board resources, directly or indirectly, for their benefit may constitute a breach of trust contrary to section 122 of the Criminal Code (Canada). All Trustees shall comply with Board Policies and General Administrative Procedures regarding the use of Board resources, including information technology resources.

Respect for Board Staff

- Trustees shall model respect for and deference to the roles and responsibilities of Board staff. Recognizing that a Trustee's workplace is in the boardroom, a Trustee shall not attempt to influence staff decision-making or staff activities outside the boardroom.

Respect for Staff

- Trustees shall in particular demonstrate sensitivity to weight of their office if it is necessary to address a school issue concerning the Trustee's child. Where another parent cannot communicate on behalf of the family, a Trustee shall ensure that all electronic and telephone communications are sent to and from a personal address or phone, and that the Trustee's occupation of the office remains as removed as possible from interactions with their child's school.
- For greater clarity, any attempt to use the weight of the office of Trustee to gain personal advantage for a family member, or to advance a matter of interest or policy outside the boardroom, will be deemed to be an exercise of undue influence, a misuse of the office of Trustee, and contravention of this Code of Conduct.

Enforcement of the Code of Conduct

The Board of Trustees has a collective responsibility to enforce the Code of Conduct.

Procedures for enforcement of the code are included on pages 7-11 and address what needs to be done if/when a Trustee has reasonable grounds to believe another Trustee has breached the Code, including:

- Reporting process and timelines (6 weeks)
- Investigation
- Response to Finding of a Breach
- Reconsideration
- Reversal
- Confirmation
- Meeting in Camera