



## Trustee Code of Conduct

Board Received: February 25, 2019 Review Date: February 2023

Grand Erie District School Board Trustees are elected community leaders who realize the future welfare of our communities, of the Province and of Canada depends in the largest measure upon the quality of education we provide in our public school to meet the needs of every learner.

Grand Erie District School Board Trustees also recognize that they should deliberate in many voices and govern in one. We uphold the board's vision:

### Success for Every Student

Trustee(s) where it appears, shall be deemed to include elected and appointed trustees and student trustees. It is recognized that the roles and responsibilities of all trustees are set out in the Education Act and Regulations. The Six Nations of the Grand River Band Council shall appoint the native trustee and students shall elect student trustees.

### Code of Conduct

#### 1. Integrity

Trustees shall ensure that students are considered first as the basis for decision-making.

Trustees shall render all decisions based on available facts and their independent judgement, and shall refuse to surrender that judgement to individuals or special interest groups.

All Trustees of the Board shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.

#### 2. Respect

Trustees shall express their individual opinions on issues under consideration by the Board. When expressing individual views, trustees shall respect the differing points of view of colleagues, staff, students and the public.

Trustees shall maintain confidentiality of privileged information discussed in closed sessions. Such information includes but is not limited to:

- the security of the property of the Board;
- intimate, personal or financial information about an identifiable individual;
- the acquisition or disposal of a school site;
- negotiations with employees of the Board;
- litigation affecting the Board.

**3. Responsibility**

Once the Board has voted, Trustees are bound by the majority decision. Trustees shall be prepared to explain the rationale for the decision and ensure that it is understood, implemented and monitored. Trustees who wish to explain the minority position on a decision shall do so in this context.

Trustees shall refuse direct or indirect hospitality, economic expressions of gratitude and/or gifts other than those of a nominal value which would be reasonably accepted as a courtesy in a business relationship from individuals, agencies or organizations doing business with the Board.

Trustees shall carefully review all Board packages in preparation for discussion at all scheduled meetings of the Board.

Trustees shall base their actions on unimpeachable conduct, acting at all times with utmost good faith in accordance with their fiduciary duty.

Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to board staff/ fellow Board members or the broader community.

Trustees shall endeavor to participate in trustee development opportunities to enhance their ability to fulfill their obligations.

The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair of the Board or Board to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

**4. Relationships**

Trustees shall speak as the voice of their entire community at the Board table, including people who do not have children in the school system.

Trustees shall work with other trustees in a spirit of respect, openness, courtesy, co-operation and proper decorum, in spite of differences of opinion that may arise during debate.

Trustees shall play a lead role in promoting partnerships with the community to enhance programs and services for students.

**5. Conflict of Interest**

Trustees shall declare any pecuniary conflict of interest (direct, indirect, or deemed).

Where a trustee has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Board at which the matter is the subject of consideration, the trustee,

- a) Shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature related to the interest
- 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 before, during or after the meeting to influence the voting on any such question

Where the meeting is in private session (in camera), in addition to complying with the requirements listed in above, the trustee will leave the meeting or the part of the meeting during which the matter is under consideration and the fact that the trustee has left the meeting will be recorded in the minutes.

At the next meeting that is open to the public, the declaration of conflict of interest shall be recorded in the minutes but not the general nature of that interest.

At a meeting at which a trustee discloses a conflict of interest, or as soon as possible afterwards, the trustee shall file a written statement of the conflict of interest and its general nature with the Secretary of the Board (Appendix B)

All written statements of conflict of interest shall be maintained in a Declaration of Interest Registry on granderie.ca for four years.

**6. Annual Review**

The Code of Conduct Summary, as underlined in Appendix A, shall be read at each Inaugural meeting.

## Application of the Code of /Conduct

To ensure the smooth functioning of the Board as a cohesive governing body, it shall be the right and the responsibility of the Board Chair/Vice chair to counsel any trustee(s) whom they deems to be compromising the best interests of the Board.

### 1. Informal Resolution Process

If the issue involves one trustee then the Board Chair /Vice Chair may counsel that trustee individually and decide whether or not the formal procedure needs to be commenced. If the issue involves more than one Trustee, then the Board Chair and Vice Chair may counsel only those trustees involved and decide whether the formal procedure needs to be commenced.

### 2. Formal Resolution Process

A Trustee who has reasonable grounds to believe that another Trustee of the Board has breached The Code of Conduct may bring the breach to the attention of the Board by first providing to the Board Chair, and Vice 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;
- (v.) The names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

The complaint must be submitted 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.

If the Board Chair and Vice Chair of the Board are of the opinion that the complaint is trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, they shall prepare a confidential report to all the Trustees of the Board stating their opinion and the rationale for it. The Trustee who is alleged to have breached the Code of Conduct shall not vote on the resolution. If the opinion is adopted by the Board, a formal inquiry shall not be conducted.

If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by a committee comprised of the Chair and Vice Chair of the Board, the Chair and Vice Chair of Committee of the Whole. The Chairs' Committee may decide to engage a third party investigator.

If it is any member of the Chairs' Committee who has committed the alleged breach, then that member shall be removed and the Board will determine the composition of the Committee and consider the possibility of engaging a third party investigator.

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 or not the Trustee has breached the Code of Conduct.

Procedural fairness and the rules of natural justice shall govern the formal inquiry. The formal inquiry will be conducted in private.

The 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.

The Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in writing and in a private meeting with the Committee.

It is expected that the formal inquiry will be conducted within a reasonable period of time which will depend on the circumstances of the case. The Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within 10 days of receiving the written allegation, or such extended period of time as the committee deems appropriate in the circumstance.

Once the inquiry is complete, the Committee will provide a copy of the report containing the findings of fact to the Trustee who is alleged to have breached the Code of Conduct and to the Trustee who brought the complaint for their written comment to the Committee investigator(s). The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. The two Trustees shall have ten (10) days (or such reasonable period of time as deemed by the committee) from the receipt of the draft report to provide a written response.

### **3. The Decision**

The 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 Board of Trustees as a whole.

The report shall be delivered to the Board of Trustees, and a decision by the Board of Trustees as to whether or not the Code of Conduct has been breached and the sanction, if any, for the breach shall be made as soon as practical after receipt of the report by the Board.

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.

The determination of a breach of the Code of Conduct and the imposition of a sanction must be done by resolution of the Board at a meeting of the Board, and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting.

If the breach involves matters that need to be discussed in camera as per 207(2) (a) to (e) of the Education Act, then the meeting shall be in camera.

The trustee who was alleged to breach the Code of Conduct may be present during the deliberations but shall not participate, answer questions, or vote.

#### 4. Sanctions

Sanctions will follow the philosophy of progressive discipline with consequences of increasingly serious steps being imposed in order to correct unacceptable behavior or conduct.

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:

- Public Censure of the Trustee;
- Barring the Trustee from attending all or part of a committee of the whole or Board meeting;
- Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.

A Trustee who is barred from attending all or part of a meeting 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.

The Board will give the Trustee written notice of the determination and sanction imposed by the Board which will inform the Trustee that they may appeal the decision within 14 days.

The Board will consider any appeal and shall confirm or revoke the decision within 14 days after receiving the appeal.

**Reference:** The Education Act and Regulations  
Good Governance for School Boards, A Guide for Trustees, School Boards,  
Directors of Education and Communities, OESC, 2014

## Appendix A

Trustee Code of Conduct

## 1. Integrity

I will ensure that students are considered first as the basis for decision-making.

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I will accept that authority rests with the Board and that a Trustee has no individual authority.

## 2. Respect

I will express my individual opinions on issues under consideration by the Board. When expressing individual views, I will respect the differing points of view of colleagues, staff, students and the public.

I will maintain confidentiality of privileged information discussed in closed sessions. Such information includes but is not limited to:

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I will declare any pecuniary interest (direct, indirect, or deemed).

I will carefully review all information packages in preparation for discussion at all scheduled meetings of the Board.

I will base my actions on unimpeachable conduct, acting at all times with utmost good faith in accordance with my fiduciary duty.

I will ensure that my comments are not personal, demeaning or disparaging with regard to board staff or fellow board members.

**I will** endeavor to participate in trustee development opportunities to enhance my ability to fulfill my obligations.

**I will** ensure that when I express my opinions in public, I make it clear that I am not speaking on behalf of the Board.

**4. Relationships**

**I will** represent my constituents (including people who do not have children in the school system) at the Board table.

**I will** work with other trustees in a spirit of respect, openness, courtesy, co-operation and proper decorum, in spite of differences of opinion that may arise during debate.

**I will play a lead role in promoting partnerships with the community to enhance programs and services for students.**

# Appendix B



## TRUSTEE DECLARATION OF CONFLICT OF INTEREST

Pursuant to Bylaw 28 and subsection 5.1 of the *Municipal Conflict of Interest Act*, Trustee must file a written statement with the Secretary of the Board when making a declaration of pecuniary interest, direct or indirect, at any Meeting.

**TO: Secretary of the Board**

I, \_\_\_\_\_, declare a potential (deemed, direct or indirect) conflict of interest with respect to:

Subject Matter/Agenda Item: \_\_\_\_\_

Meeting Date & Name: \_\_\_\_\_

I am making this declaration because (state the general nature of the conflict):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I confirm that I will not vote on the matter, I will not take part in discussion on any question in respect to the matter, and I will not attempt in any way whether before, during or after the meeting influence the voting on any such question.**

\_\_\_\_\_  
Trustee Signature

\_\_\_\_\_  
Date

Secretary of the Board Acknowledgement:

Received on: \_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_  
Secretary of the Board Signature