



Trustees' Code of Conduct #100.04

Adopted:	July 4, 2022
Last Reviewed/Revised:	June 24, 2025
Responsibility:	Human Resources Services
Next Scheduled Review:	September 2028

POLICY STATEMENT

The Brant Haldimand Norfolk Catholic District School Board ("the **Board**" or "**BHNCDSB**") is committed to effective, accountable, and transparent governance. Trustees shall therefore conduct themselves in a manner which is in keeping with the trust that has been placed in them as public officials.

It is the expectation of the community the Board serves, that Trustees will promote and model the Catholic values and beliefs of the Board, and the Catholic Church. When acting or holding themselves out as a board member, a Trustee shall conduct themselves in a manner that recognizes and affirms that Catholic schools are an expression of Catholic Church teachings, and they shall model in word and deed their commitment to the teachings of the Church.

This Code of Conduct is intended to support effective governance and leadership, and each Trustee's commitment to excellence in Catholic education.

APPLICATION AND SCOPE

This Code of Conduct (the "**Code**") applies to all municipally elected Trustees, and governs their conduct while acting, or holding themselves out as acting, as a Trustee of the Board.

Student Trustees are not subject to the Code but are encouraged to be guided by it in their conduct while in office.

CODE OF CONDUCT REQUIREMENTS

BHNCDSB Trustees shall comply with applicable legislation, Board policies, procedures and By-law, Ministry of Education directives and guidelines, the Board's Statement of Board Values and Responsibilities, and this Code of Conduct.

Trustees shall:

- a. Act in the best interests of the BHNCDSB;
- b. Foster and exemplify the values of inclusion, integrity, respect, reconciliation, and justice;
- c. Conduct the affairs of the Board of Trustees in a spirit of collaboration, openness, and compassion;
- d. Uphold the declaration and oath or affirmation taken when assuming the office of Trustee.
- e. Adhere to the Board of Trustee's duty to meet in public, unless an exception under Section 207(2) of the *Education Act* applies;
- f. Act with decorum and show respect for other Trustees, the Director of Education, staff, members of the BHNCDSB community, and the public;
- g. Keep in strict confidence information obtained or made available to a Trustee by virtue of their office, which a Trustee knows, or ought to know, is confidential to the Board, except as required by

law to disclose;

- h. Comply with all statutes and regulations, including but not limited to the *Education Act*, the *Ontario Human Rights Code*, the *Municipal Conflict of Interest Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Occupational Health and Safety Act*;
- i. Focus on the board's strategic plan and policies of the Board, and entrust the day-to-day management of the Board to its staff, through the Director of Education;
- j. Adhere to the Board's policies regarding communications and acceptable use of technology, demonstrating professionalism in communications and online interactions;
- k. When acting or holding oneself out as a board member, 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;
- l. Comply with attendance requirements as outlined in the *Education Act* and Regulation 463/97;
- m. Comply with the Board's responsibilities with respect to privacy and the collection, use, disclosure and storage of personal information, as outlined in the *Municipal Freedom of Information and Protection of Privacy Act*, and decisions of the Information and Privacy Commissioner;
- n. Adhere to the BHNCD SB Trustee Conflict of Interest Policy SBG 100.05.P;
- o. Report any inquiries or communications regarding the procurement of goods and services and the awarding of contracts to the Director of Education, and refrain from any communications or participation in the procurement process;
- p. publicly uphold resolutions approved by the Board; and
- q. Adhere to the requirements of Section 218.1 of the *Education Act* setting out the duties of individual Trustees.

Trustees shall not:

- a. Make disparaging or offensive remarks regarding the Board, staff, students, or fellow Trustees;
- b. use or permit the use of board resources for any purpose other than the business of the Board;
- c. use information available to Trustees in a manner that would be detrimental to the interests of the BHNCD SB or for the purpose of personal gain or for the gain of the member's parent, spouse, or child;
- d. act as a spokesperson to the public on behalf of the board unless authorized to do so by resolution of the Board;
- e. exercise influence, or attempt to exercise influence, in order to gain or advance the interests of any individual or group involved in a procurement process;
- f. accept a gift from any person, group or entity that has dealings with the board if a reasonable person might conclude that the gift could influence the member when performing their duties unless,
 - i. the gift is of nominal value,
 - ii. the gift is given as an expression of courtesy or hospitality, and
 - iii. accepting the gift is reasonable in the circumstances.
- g. attempt to assert individual authority, over Board staff, volunteers, students, or other Trustees;
- h. give notice of an alleged breach of the Code of Conduct that is frivolous, vexatious, or brought forward in bad faith;
- i. engage in reprisal (or threatening reprisal) against a person who gives notice of an alleged breach of the code of conduct or provides information about an alleged breach to an integrity commissioner appointed to investigate the alleged breach;
- j. engage in any behaviour which would constitute governance overreach, which includes when a Trustee:

- i. Interferes with day-to-day operational matters;
- ii. Attempts to individually direct staff;
- iii. Attempts to exercise individual authority in any manner not approved by resolution of the Board;
- iv. Engages in activities not related to governance; or
- v. Exceeds the statutory authority of a Trustee, as described in Section 169.1 of the *Education Act*.

Any person may submit a complaint of governance overreach. If the Chair, or where pertaining to the Chair by the Vice Chair, in consultation with the Director, determines that the complaint is not frivolous, vexatious, or made in bad faith, the complaint will be subject to the enforcement provisions below, as if it had been submitted by a Trustee.

CODE OF CONDUCT ENFORCEMENT PROCESS

Report of Alleged Breach

A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct, and wishes to seek redress of the breach, shall notify the following persons in writing of their complaint:

- a. the Chair of the Board; or
- b. the Vice Chair of the Board, if the notice is related to the conduct of the Chair;
- c. another Trustee of the Board, who is neither the complainant nor the subject of the complaint, if the notice relates to both the conduct of the Chair and the Vice-Chair.

The Trustee who has given notice of an alleged breach of the Board's Code of Conduct (hereinafter the **"Complainant"**) shall provide a copy of the notice to the Director of Education.

The person to whom the notice is given shall immediately provide a copy of the written notice to the Trustee whose conduct is the subject of the alleged breach (hereinafter the **"Respondent"**) and the Board of Trustees.

The written notice of a breach of the Code shall include:

- a. the name and contact information of the Complainant
- b. the name and contact information of the Respondent;
- c. the date of the alleged breach;
- d. a description of the conduct alleged to have constituted a breach;
- e. the provision of the Code that was allegedly breached;
- f. the date on which the Trustee alleging the breach first knew that the alleged breach occurred;
- g. the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

Notice of a complaint lacking any of these required elements will be returned and will not be treated as having been submitted to the Board.

A complaint of an allegation of a breach of the Code should generally be made within 60 days after the alleged breach occurred or was discovered, whichever is later.

Informal Resolution

In the interests of the Board, and consistent with principles of good governance, the Complainant and Respondent are strongly encouraged to pursue an informal and collaborative resolution process.

The informal resolution process shall be rooted in reconciliation, dignity, and subsidiarity, aligned with Catholic

teachings on conflict resolution and community, and respectful of Trustees' individual conscience, while ensuring unity of purpose.

An informal resolution process will be particularly appropriate where the complaint involves a contravention of the Code of Conduct which may be characterized as trivial, committed through inadvertence, or having arisen from an error in judgment made in good faith.

If both parties agree, the Board Chair or Vice-Chair, or another Trustee, may be invited by to assist with facilitating the informal resolution process.

Alternatively, or if the complaint involves the Chair or Vice Chair, either party may request an external mediator, whose appointment shall be at the discretion of the Director of Education.

Resolution may include a verbal or written agreement to engage in professional development, an apology, a commitment to review board policies, By-law and/or Code of Conduct, or other measures as may be agreed upon by the parties.

The Board of Trustees will be advised if a complaint has been resolved and if the parties have agreed upon any remedial measures.

If the complaint is not resolved within twenty (20) business days after the Respondent received notice of the Complaint, the person to whom the notification of the breach was given shall refer the complaint to an Integrity Commissioner.

Appointment of Integrity Commissioner

If a roster of Integrity Commissioners has been created by the Minister of Education, the Board shall appoint an Integrity Commissioner who shall be from the roster of Integrity Commissioners.

If a roster of Integrity Commissioners has not been created by the Minister of Education, the Chair (or Vice-Chair or other Trustee, as the case may be), in consultation with the Director of Education, shall recommend for appointment an external independent person who has the qualifications set out in Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct*.

In selecting an Integrity Commissioner, the Board shall take into account experience, availability, and cost.

Investigation

The Integrity Commissioner appointed by the Board shall commence an investigation into the alleged breach of the Code of Conduct no later than 14 days after being appointed by the Board, provided that they may refuse to conduct an investigation if:

- a. the complaint was submitted more than sixty (60) days after the later of the date that the alleged breach occurred, or was discovered, unless the Integrity Commissioner is satisfied that the delay was in good faith and no substantial prejudice will result to any person affected by the delay; or
- b. in the opinion of the Integrity Commissioner, the complaint was made in bad faith, or is frivolous or vexatious,

A breach is deemed to have been discovered on the earlier of:

- a. The day on which the Trustee notifying the Board first knew that the breach had occurred; and
- b. The day on which a reasonable person with the abilities and in the circumstances of the Trustee notifying the Board ought to have known of the occurrence.

If a breach relates to a series of incidents, the 60-day period above runs from the day the last incident in the series occurred or was discovered.

The decision of the Integrity Commissioner to refuse to conduct an investigation is final.

The Integrity Commissioner may define the scope of the investigation, and in the course of conducting their investigation, may:

- a. require the production of any records that may in any way relate to the investigation;
- b. examine and copy any records required under paragraph (a) above; and
- c. require any officer of the Board or any other person to appear before them and give evidence, an oath or affirmation, relating to the investigation.

The Trustee alleged to have breached the Code shall be provided with the opportunity to respond to the allegations, as well as a right of reply, where appropriate. The Integrity Commissioner shall determine this, the timelines, and form of such a response.

Section 33 of the *Public Inquiries Act, 2009* applies to an investigation.

Integrity Commissioner's Decision

The Integrity Commissioner shall make any determination with respect to a complaint of alleged breach of the Code no later than 90 days after commencing the investigation, or within such other time period as may be prescribed by regulation, unless the Integrity Commissioner notifies the Board and the Respondent that an extension is necessary and of the reasons for the extension.

Sanctions

If the Integrity Commissioner determines, following an investigation, that the Respondent Trustee has breached the Code, the Integrity Commissioner may impose one or more of the following sanctions:

- a. Censure the Trustee;
- b. Requiring the Board to reduce the Trustee's honorarium by an amount not exceeding the amount prescribed in Regulation 357/06 *Honoraria for Board Members* which currently is 25% of the Trustees combined base and enrollment amount for the year of the term of office in which the breach occurred;
- c. Barring the Trustee from attending all or part of one or more meetings of the Board or one or more meetings of a committee of the Board, for the period of time specified by the Integrity Commissioner up to a maximum of 90 days or the balance of the Trustee's term of office, whichever is less;
- d. Barring the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Integrity Commissioner, up to a maximum of 90 days or the balance of the Trustee's term of office, whichever is less;
- e. Barring the Trustee from becoming the chair or vice-chair of the Board or of any committee of the Board, or removing the Trustee from any other positions;
- f. Barring the Trustee from exercising the privileges of a Trustee or acting as a Board representative, or removing the Trustee from a position the Trustee holds as a Board representative;
- g. Subject to any other limits set out in the above paragraphs (a) to (f) any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances;
- h. Subject to any other limits set out in the above paragraphs (a) to (f) any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Board's Code.

The imposition of a sanction barring a Trustee from attending all or part of one meeting of the Board shall be deemed, for the purpose of clause 228(1)(b) of the *Education Act* to be authorization for the Trustee to be absent from the meeting.

Any Trustee who is barred from attending all or part of the 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 are part of the meeting and that are not available to members of the public.

The Integrity Commissioner shall provide the Respondent Trustee and the Board written notice of a determination that the Respondent has or has not breached the Code, and of any sanctions imposed. The written notice must include:

- a. The reasons for the determination;
- b. The reasons for any sanctions; and
- c. Information about the right to appeal

Appeal

Either the Board or the Respondent may appeal the Integrity Commissioner's decision, the sanctions imposed, or both. The Board and the Trustee shall be parties to the appeal.

The Respondent shall not vote on the Board resolution to determine whether the Board will appeal the Integrity Commissioner's decisions on breach or sanctions.

The Appealing party shall give written notice of the appeal to the other party and the Deputy Minister of Education no later than 15 business days after receiving written notice of the Integrity Commissioner's determination.

The appeal shall be heard by a panel of three Integrity Commissioners appointed by the Deputy Minister of Education or their delegate, by no later than 15 business days after the Deputy Minister or delegate receives the notice of appeal. The panel shall not include the Integrity Commissioner whose determination is the subject of the appeal.

The Appeal Panel may,

- a. Define or narrow the scope of the appeal;
- b. Limit the length of submissions from the parties;
- c. Make interim decisions and orders; and
- d. On its own motion, and without holding a hearing, dismiss an appeal as frivolous or vexatious or commenced in bad faith.

The chair of the Appeal Panel shall notify the parties of any decisions made by the panel with respect to the foregoing.

Appeals shall be held in writing, as follows:

- a. The appellant shall provide written submissions to the Appeal Panel and the respondent no later than twenty (20) business days after receiving notice that the Panel has been appointed.
- b. The respondent shall provide written submissions to the Appeal Panel and the appellant no later than twenty (20) business days after receiving the appellant's submissions.
- c. The appellant shall provide their written reply to the respondent's submissions no later than ten (10) business days after receiving the respondent's submissions.
- d. The chair of the Appeal Panel may extend any of the above timelines at the written request of a party in order to provide for the fair, just and expeditious resolution of the appeal.
- e. A decision to extend a timeline shall be provided to the parties in writing and a copy of the decision shall be provided to the Deputy Minister.

Appeal Decision

The panel shall provide its decision and its reasons, including any dissent, to the parties in writing no later than 30 business days after receiving the Respondent's submission.

The panel shall provide a copy of the decision, reasons and dissent to the Deputy Minister of Education.

If the panel overturns the determination as to whether there is a breach of the Code made by the Integrity Commissioner, any sanction imposed by the Integrity Commissioner is revoked.

If the panel upholds the determination made by the Integrity Commissioner, the panel shall, within 30 business days after receiving the Respondent's submissions on the appeal, uphold, vary or overturn the sanction.

If a sanction is varied or overturned, the variation or overturning shall be deemed to be effective as of the date of the original determination made by the Integrity Commissioner.

The decision of the panel respecting the determination of the Integrity Commissioner is final.

Public Records

A board shall keep records and publish information on its website regarding:

- a. any matter referred to an Integrity Commissioner for investigation and determination;
- b. any decision of the Integrity Commissioner to refuse to commence an investigation under *Refusal to Commence Investigation* above;
- c. any determination of an Integrity Commissioner that a Trustee has or has not breached the Code and any sanction(s) imposed; and
- d. a determination by a panel upholding or overturning an Integrity Commissioner's determination including any variation of a sanction.

Where the alleged breach involves any of the matters described in clauses 207(2)(a) to (e) of the *Education Act*, the Board shall limit publication to information that may be made public.

Code of Conduct Review

The board shall periodically review its code of conduct for its compliance with the *Education Act* and Regulations made under the Act, and shall pass a board resolution setting out the required changes, or if no changes are required, confirming the code of conduct.

The first review shall take place no later than May 15, 2027.

Each subsequent review shall be completed in the fourth year following the previous review and no later than May 15 in that year.

If one or more changes are required, the board shall update its code of conduct to reflect the changes by no later than August 31 in the year of the review.

Publication

The Trustee Code of Conduct shall be made publicly available on the Board's website. The Board shall indicate the effective date of every change it makes to its Code of Conduct, other than changes of a typographical or similar nature. The Board shall maintain an archive of all previous versions of its Code of Conduct, indicating the period during which each version applied, and shall ensure that the versions are publicly accessible.

REFERENCES:

- Education Act
- O. Reg. 312/24 Members of School Boards Code of Conduct
- O. Reg. 463/97: Electronic Meetings and Meeting Attendance
- O. Reg. 357/06: Honoraria for Board Members
- O. Reg. 306/24: Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct
- Ontario Human Rights Code
- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health and Safety Act
- BHNCD SB Board By-laws
- 100.01.P Board Governance
- 100.05.P Trustee Conflict of Interest
- 100.06.P Trustee Honoraria
- 100.07.P Student Trustee
- 100.08.P Trustee Communication
- 100.10.P Trustee Expenses