

Governance & Planning

Catholic Trustee Code of Conduct

Policy Number GP-23

The Simcoe Muskoka Catholic District School Board (the Board) recognizes that the role of Trustees is one of public trust and confidence as Trustees are elected to represent all stakeholders within the jurisdiction of the Board.

Trustees shall conduct themselves in an ethical and professional manner maintaining a focus on student achievement and well-being and to participate in making decisions that support the board's Mission and Vision, advancing quality faith-based Catholic education in alignment with the priorities outlined in the Multi-Year Strategic Plan while representing the interests of their constituents.

Trustee decision-making shall be guided by and in accordance with all relevant provincial and federal legislation, the Board's Procedural By-Law and policies of the Board.

References

[Criminal Code, R.S.C. 1985 Education Act, R.S.O. 1990 Human Rights Code, R.S.O. 1990](#)
[Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50](#)
[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990](#)
[O. Reg. 306/24: INTEGRITY COMMISSIONERS AND PROCESS FOR ALLEGED BREACHES OF THE CODE OF CONDUCT](#)
[O. Reg. 311/24: HONORARIA FOR BOARD MEMBERS.](#)
[O. Reg. 312/24: MEMBERS OF SCHOOL BOARDS - CODE OF CONDUCT.](#)
[SMCDSB Board Procedural By-Law](#)
[SMCDSB PGCE-08/PS 09 – Responding to Issues or Concerns](#)

Procedural Guidelines support this policy

Approved: Board Meeting #07 - Wednesday, May 10, 2017
Revised: Board Meeting #05 - Wednesday, February 27, 2019 - Section 2. a)
Reviewed: Board Policy Review Committee Meeting #03 – Wednesday, April 12, 2023
Revised: Board Meeting #09 - Wednesday, April 17, 2023
Reviewed: Board Policy Review Committee Meeting #02 - Wednesday, January 31, 2024
Revised: Board Meeting #04 - Wednesday, February 21, 2024
Reviewed: Board Policy Review Committee Meeting #05 - Tuesday, October 1, 2024
Reviewed: Board Meeting #10 - Wednesday, October 23, 2024

Procedural Guidelines Supporting Catholic Trustee Code of Conduct

Policy Number GP-23

Introduction

The *Catholic Trustee Code of Conduct* (the “Code”) is intended to instruct and guide Trustees through the challenges of public office as they undertake their individual and joint responsibilities. It is meant to provide clarity regarding Trustees’ conduct and the management of their relationships with the Board of Trustees, staff, students, parents and stakeholders of public education.

The *Code* and the procedures outlined apply to all Trustees of the Board. Trustees will be required to review the *Code* and sign an “Acknowledgement and Undertaking” form (refer to Appendix 1) on an annual basis at the Initial or Inaugural Board Meeting.

The Code shall be reviewed by the Board for, among other things, in compliance with Ontario Regulation 312/24 and shall pass a board resolution setting out the required changes, or if no changes are required, confirming the Code.

If one or more changes are set out in a board resolution, the board shall update its Code of Conduct to reflect the changes no later than August 31st in the year of the review.

The next review of the Code shall be completed 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.

The Code shall be publicly available on the Board website. The Board shall indicate on its website the effective date of every change it makes to the Code, other than changes of a typographical or similar nature.

The Board shall maintain an archive of all previous versions of the Code, indicating the period during which each version applied, and shall ensure that the versions are publicly accessible.

1.0 Definitions

- i) **Trustee**
An elected or appointed member of the Board, including Student Trustees. (It is to be noted that the Integrity Commissioner Referral, Investigation, Decision, Sanctions and Appeal Process is not applicable to Student Trustees.)

- ii) **Board**
Means Simcoe Muskoka Catholic District School Board



2.0 Duties of Individual Trustees (*Education Act s218.1*)

- 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 the *Education Act*, including 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;
- iii) Consult with parents, students, and supporters of the board on the board's multi-year plan;
- iv) Bring concerns of parents, students and supporters of the board to the attention of the board;
- v) Uphold the implementation of any board resolution after it is passed by the board;
- vi) Entrust the day-to-day management of the board to its staff through the board's director of education;
- vii) Maintain focus on student achievement and well-being; and,
- viii) Comply with the board's Code

3.0 Duties of Catholic Trustees

- i) Be a discerning believer formed in the Catholic faith community, who acknowledges that Catholic schools are an expression of the teaching mission of the Catholic Church;
- ii) Treat everyone equitably and with dignity regardless of race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, gender expression, gender identify, sex, sexual orientation, age, disability, family and marital status, or any other ground prohibited by the *Human Rights Code*;
- iii) Be a self-directed, responsible, lifelong learner, who is informed through professional development and by knowledge of current Catholic educational issues, research, and best practices;
- iv) Demonstrate reflective, creative and holistic thinking, contribute collaboratively by being prepared for meetings and participating civilly and with decorum to ensure that decisions reflect the integrity of the Board, its Mission and Vision, are student-focused, are in the best interests of the Board's community and the common good, are in alignment with the Board's Multi-Year Strategic Plan and are not influenced by personal advantage.

4.0 Conduct of Trustees

Consistent with the above defined duties the Simcoe Muskoka Catholic District School Board Trustees agree to be bound by the *Catholic Trustee Code of Conduct*, reflecting their commitment to the following expectations:

4.1 Integrity and Dignity of Office

- i) Trustees shall maintain an unimpeachable standard of integrity in all their relationships, both inside and outside the Board, fostering the highest standard of professional competence among those for whom they are responsible.
- ii) A Trustee shall act responsibly with the Board's resources, in accordance with their duties as Trustees and in accordance with Board policy.
- iii) Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
- iv) When acting or holding themselves out as Trustees of the Board, a Trustee shall conduct themselves in a manner that would not discredit or compromise the integrity of the Board.
- v) Trustees of the Board shall recognize 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 of the Board.
- vi) Trustee, as leaders of the board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property.
- vii) Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or other Trustees of the board.
- viii) Trustees shall endeavor to participate in Trustee development opportunities to enhance their ability to fulfill their obligations.
- ix) On occasion, lobbyists or other individuals may attempt to communicate with a Trustee for the purpose of influencing the Trustee with respect to the Board's procurement of goods and services and the awarding of contracts. A Trustee who is contacted for such a purpose shall refrain from responding to the inquiry or engaging in further communication on the subject and shall immediately report



the contact to the Chair of the Board.

- x) During a procurement process, a Trustee shall not communicate with any prospective third-party supplier of goods and services, or use their influence to gain or advance the interests of a particular proponent

4.2 Avoidance of Personal Advantage and Conflict of Interest

- i) Trustees have an obligation when acting in their capacity as Trustees to make decisions based solely in the best interests of the entire Board.
- ii) Trustees shall not 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 Trustee when performing their duties to the Board, unless:
 - a) the gift is of nominal value (\$50-\$100 value),
 - b) the gift is given as an expression of courtesy or hospitality, and,
 - c) accepting the gift is reasonable in the circumstances.
- iii) A Trustee shall not use their position, authority or influence for personal, financial, business or material gain, or for the personal, financial, business or material gain of a relative, friend and/or business associate.
- iv) A Trustee shall not use their office to advance the Trustees interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.
- v) A Trustee shall not use their office to obtain employment with the Board for the Trustee or a family member.
- vi) A Trustee shall not use or permit the use of board resources for any purposes other than the business of the Board.

4.3 Association Partnerships / Memberships

- i) Trustees have an obligation to support the mission and vision of the professional association, namely the Ontario Catholic Schools Trustee Association (OCSTA), which represents the interests of school boards and trustees to the government.
- ii) Expenditures in the form of membership fees are invoiced and paid directly to the OCSTA.
- iii) A Trustee shall not use Board resources, financial or otherwise, to advance a particular political position or political party.

5.0 Compliance with Legislation and Board Policies and Procedures

- i) Every Trustee of the Board shall comply with this Code of Conduct, namely, *GP-23 Code*, and uphold the spirit of the *Code*.
- ii) Every Trustee shall uphold and abide by all Board recommendations/motions, policies and procedures of the Simcoe Muskoka Catholic District School Board.
- iii) A Trustee shall familiarize themselves and comply with the duties of Board members in the discharge of their duties in accordance with *Section 218.1 of the Education Act* and any applicable federal, provincial and municipal laws, regulations, directives, or guidelines there under and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, the *Municipal Conflict of Interest Act*, the Simcoe Muskoka Catholic District School Board Procedural Bylaw, and any other relevant legislation, specifically, *Ontario Regulation 312/24*.
- iv) Every Trustee shall respect and understand the roles and duties of an individual Trustee, the board of Trustees as a whole, the Director of Education and the Chair of the Board. Trustees will work with staff in a manner that demonstrates respect for the roles, contributions, and skills of all of the individuals working on behalf of the Board. Because Trustees have no individual authority, Trustees shall not ask staff to act on a request from individual Trustees, nor shall Trustees attempt to exercise individual influence or authority over staff. Staff will be bound by the policy directions set by the Board, as expressed through its resolutions, recorded in the minutes, communicated through the Chair, and implemented by the Director of Education

6.0 Respect for Civil Behaviour

- i) Trustees share in the responsibility of creating a positive working and learning environment that is safe, harmonious, comfortable, inclusive and respectful. Trustees shall:
 - a) Treat others fairly and with dignity and respect at all times, especially when there is disagreement;
 - b) Employ appropriate language and professionalism in performing their duties as Trustees, and in all matters of communication (oral and written) including email, social media, telephone and face-to-face meetings with staff, parents, other stakeholders and members of the community at large
- ii) Trustees shall demonstrate honesty and integrity and act at all times in a manner appropriate to their position as leaders in Catholic education, treating all other Trustees and Board staff with dignity and respect, and striving to act as a model of exemplary governance in accordance with Catholic values.



- iii) Trustees shall not engage in disparaging communication in any forum or format about another Trustee, a staff member, or any person, recognizing that a diversity of views, skills and personal traits are inherently valuable in a strong Catholic education system, and shall model exemplary decorum during meetings of the Board and its committees, events, and activities and when communicating so as not to discredit or compromise the integrity of the Board.
- iv) A trustee 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.
- v) All Trustees of the Board shall endeavor to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and cooperation.
- vi) A Trustee who uses offensive language, disobeys the decisions of the Chair or Board on points of order, makes disorderly noise, disrupts a meeting or makes a disturbance may be reminded by the Chair of their obligations under the Code of Conduct.
- vii) If unbecoming conduct should continue, the Chair may order that a Trustee leave for the remainder of the meeting. If a Trustee fails to comply with the order of the Chair, they may be removed from the room or building where the meeting is taking place pursuant to section 207(3) of the *Education Act*, and such an order will be recorded in the minutes of the Board meeting.

7.0 Respect for Confidentiality

- i) As fiduciaries, Trustees must act honestly and in good faith, in the best interests of the Board. Confidentiality is fundamental to that fiduciary duty. Trustees must maintain the confidentiality of information which is shared at meetings of the Board and committees of the Board properly held *in camera* pursuant to s.207 of the *Education Act*, including personal information about an identifiable individual, solicitor and client privileged information or otherwise required to be held in confidence pursuant to the *Municipal Freedom of Information and Protection of Privacy Act or Education Act*. Such information is provided only to permit Trustees to make a reasoned decision and cannot be shared with anyone who is not a Trustee of the Board.
- ii) Trustees shall keep confidential the substance of deliberations of a meeting closed to the public even after a decision is made by the board of Trustees at a public meeting unless otherwise required by law.
- iii) Unless authorized by law or the Board, Trustees shall not disclose information including, Confidential Information, Private Information or Privileged Information obtained or made available to them in their role as a Trustee, nor shall they use such information for the



purpose of personal gain or for the gain of the Trustee's parent, spouse or child in a manner that would be detrimental to the interests of the Board (parent, spouse and child have the same meaning as *section 1* of the *Municipal Conflict of Interest Act*).

- iv) Trustees may also be privy to the personal information of students and employees ("Private Information"), confidential financial, business and/or commercial information ("Confidential Information") and/or legally privileged opinions and legal information ("Privileged Information") belonging to the Board. Such information may include, but is not limited to, information relating to the Board's **organizational structure**, financial data, operations, business plans, technical projects, commercial interests, business costs, research data results, inventions, trade secrets or other work produced, developed by or for the board, in-camera discussions and actions, litigation matters, educational data and health records.
- v) Except as required by law or authorized by the Board, all Trustees and former Trustees agree not to disclose to any one or not to use, directly or indirectly, for the Trustee's benefit or the benefit of any person, organization or other entity or to the detriment of the Board, the Private, Confidential and Privileged Information entrusted to the Trustee. Trustees recognize that such inappropriate use of confidential information for their benefit may constitute a breach of trust contrary to section 122 of the *Criminal Code*.
- vi) The Trustee's fiduciary duty includes an obligation to take all necessary precautions to protect the integrity and secrecy of Private, Confidential and Privileged Information to which they have been made aware, including safeguarding against inadvertent disclosure. This information received by Trustees in the course of their duties should not be discussed or reviewed in public or where another person could accidentally overhear or read such information.
- vii) A Trustee's duty to keep Confidential, Private and Privileged Information confidential applies to a Trustee using any form of technology whether the technology is owned by the Board or the technology is owned by the individual Trustee. The term "technology" refers to any digital or telephonic communication or recording including use of and access to the Board's network, intranet, and the Internet.
- viii) If a Trustee has any doubt about the nature or extent of their responsibility to keep such information secret, or their personal liability should they fail to adhere to this obligation, they are encouraged to request assistance from the Chair.
- ix) A Trustee's duty to protect confidentiality survives their term as Trustee.

8.0 Upholding Decisions of the Board & Communication with the Public

- i) A Trustee shall conduct themselves in a manner which recognizes that the *Education Act*,



the *Board's Procedural By-law* and this *Catholic Trustee Code of Conduct* protect the right of the minority view to be heard, the right of each Trustee to cast a vote, and the right of the majority to govern.

- ii) Therefore, during consideration of a matter before the Board and prior to a vote, the Board shall recognize and respect the right of all Trustees to be heard, in order that a productive, purposeful debate upon the merits of the issues may take place.
- iii) After the vote has been called, taken and recorded, all Trustees shall respect the decision of the majority.
- iv) All Trustees shall accept that authority rests with the board of Trustees, and that a Trustee has no individual authority other than that delegated by the board of Trustees.
- v) Each Trustee shall uphold the implementation of any board resolution after it is passed by the board of Trustees. A proper motion for reconsideration or rescission, if permitted by the Board's Procedural By-Law and can be brought by a Trustee.
- vi) Each Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state their position on a resolution provided it does not, in any way, undermine the implementation of the resolution.
- vii) Each Trustee shall comply with Board policies, procedures, bylaws, and rules of order.
- viii) Every Trustee shall uphold the letter and spirit of this Code of Conduct.
- ix) In accordance with the *Board's Procedural By-law*, and the *Education Act*, the Board Chair or designate is responsible for public communications made on behalf of the Board of Trustees and the corporate Board understanding that the Director of Education or designate is the spokesperson for the Board on operational matters. No other Trustee shall act as spokesperson to the public on behalf of the Board unless authorized by the Board Chair. A Trustee who receives a request for public comment regarding an issue before the Board, or arising from a decision of the Board, shall refer such a request to the Chair or Director of Education if the issue is operational. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.
- x) Every Trustee shall make themselves familiar with and ensure that they comply with the directions regarding communication during times of emergency. A failure to do so may put a student, employee, or fellow Trustee at risk of harm.

9.0 Enforcement of Code of Conduct

9.1 Enforcement

- i) Trustees will at all times conduct themselves in a manner consistent with the Code outlined within this policy, namely, GP-23 Catholic Trustee Code of Conduct.
- ii) Only a Trustee can allege that the Board's Code has been breached by another Trustee of the Board.
- iii) A Trustee shall not give notice of an alleged breach of the *Code* if the allegation is frivolous or vexatious or the notice is given in bad faith.
- iv) A Trustee shall not engage in reprisal or the threat of reprisal against another Trustee who gave notice of an alleged breach of the *Code* or any person who provides information about an alleged breach to the Integrity Commissioner (process for a referral to the Integrity Commissioner shall be effective January 1, 2025).
- v) Trustees may, in some circumstances, want to respond to inappropriate statements or behavior at a meeting at which the inappropriate conduct takes place. Trustees can call for a point of order. The Chair of the Meeting may also call a recess, or caution a Trustee or Trustees about conduct which is contrary to the expectations outlined in the Code.
- vi) If a Trustee also, or instead, wishes to preserve their right to subsequently make a complaint in accordance with the procedures, it may be appropriate to ask the Secretary of the Board to note a particular comment or action in the minutes, or to give the Trustee notice at the meeting that a formal complaint will be forthcoming, noting the conduct and/or comments which are believed to be a breach of the *Code*.

9.2 Identifying a Breach of the Code (numbered from previous 9.1 - 9.10)

- i) A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. [*Education Act* s. 218.3(1)] [To be repealed and replaced on January 1, 2025 with the following: A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may notify the following persons in writing of the alleged breach: the Chair of the Board of Trustees or the Vice Chair if the notice is related to the conduct of the Chair. If both the Chair and Vice Chair are the subject of the notice, then the notice shall go to another Trustee of the Board who is neither



the complainant nor the subject of the complaint. A copy of the notice shall be provided to the Director of Education. The person to whom the notice was made shall immediately provide a copy of the written notice to the Trustee whose conduct is subject to the alleged breach and to the entire board. The notice shall be confidential until published by the Board on its website as set out in s.10 below. If the matter is not resolved by the Board within 20 business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) after the Trustee alleged to have breached the *Code* as set out in the notice has received the notice, the matter shall be referred to an integrity commissioner appointed by the Board from a roster created by the Minister of Education if such roster has been created. If a roster has not been created by the Minister then the Board may refer the matter to an external independent person who has the qualifications set out in *Regulation 306/24* and in consultation with the Director of Education or designate. This is done through the Chair of the Board of Trustees.

- 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. (To be rescinded effective end of day December 31, 2024. Refer to new Section 10.0)
- iii) Effective January 1, 2025, the notice of the alleged breach should include the following:
 - a) Name and contact information of the Trustee alleging the breach;
 - b) The name and contact information of the Trustee whose conduct is the subject of the notice;
 - c) The date of the alleged breach;
 - d) A description of the alleged breach;
 - e) The provision of the *Code* that was allegedly breached
- iv) Any allegation of a breach of the Code of Conduct shall be investigated following the *Informal* or *Formal* Complaint Procedures described below, as the case may be. (to be rescinded end of day December 31, 2024)
- v) It is expected that whenever possible, allegations of a breach of the Code of Conduct 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. Only serious and/or reoccurring breaches of the Code by a Trustee should be

investigated following the *Formal Complaint Procedure*. (to be rescinded end of day December 31, 2024)

9.3 Chair/Presiding Officer (to be rescinded end of day December 31, 2024)

- i) The Code of Conduct applies equally to the Chair of the Board. 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.
- ii) Each year two alternate Trustees shall be chosen by the Board of Trustees to be used when the circumstance(s) 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. In no circumstance shall the Trustee who brought the complaint of a breach of the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.
- iii) Nothing in this Code prevents the Chair or Presiding Officer 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 Presiding Officer, as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.
- iv) The Chair of the Board or Presiding Officer 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.
- v) The Chair of the Board or Presiding Officer shall follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures contained in any Policy or By-Law of the Board. A breach of a rule of order should 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. 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 Presiding Officer.

9.4 Informal Complaint Procedure

- i) The Chair of the Board on their own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal written complaint) who alleges a breach of the Code has occurred, may meet informally with a Trustee of the Board who is alleged to have breached the Code, to discuss the breach. 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. The Informal Complaint Procedure is conducted in private.
- ii) The remedial measures may include, for example, 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*.
- iii) If the Chair of the Board 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 below. (to be rescinded end of day December 31, 2024)
- iv) Effective January 1, 2025, during the 20-business day period (referred to above in s.9.2) before the notice of a breach of the Code is referred to the Integrity Commissioner, the Board may attempt to resolve the matter as follows:
 - a) The Chair of the Board, or in the absence of the Chair or if the notice relates to the conduct of the Chair, the Vice-Chair of the Board, or if the notice relates to the conduct of the Chair and the Vice-Chair of the Board, then another Trustee appointed by the Board who is neither the complainant nor the subject of the complaint may attempt to resolve the matter in private as between the parties.
 - b) This process may include the Chair/Vice-Chair/Trustee, through the Director of Education or their designate, retaining legal counsel and/or a mediator to assist in resolving the matter.
 - c) The Board will be advised whether the matter has been resolved.

9.5 Formal Complaint Procedure (to be rescinded effective end of day December 31, 2024 and replaced with Section 10.0 Integrity Commissioner Referral, Investigation, Decision and Appeal Process)

- i) A Trustee who has reasonable grounds to believe that another Trustee of the Board has breached the Board's Code of Conduct may bring the breach to the



attention of the Board of Trustees by first providing to the Chair of the Board, 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. Except as provided below, if a written complaint is filed with the Chair of the Board then a formal inquiry shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Complaint Procedure.

- ii) In an election year for Trustees, a Code of Conduct complaint respecting a Trustee who is seeking re-election shall not be brought 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 bringing a complaint shall be extended as necessary.
- iii) 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 this Code.

9.6 Refusal to Conduct Formal Inquiry (to be rescinded effective end of day December 31, 2024 and replaced with Section 10.0 Integrity Commissioner Referral, Investigation, Decision and Appeal Process)

- i) If the Chair and Vice-Chair of the Board are 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, they shall prepare a confidential report to all the Trustees of the Board stating their opinion and the rationale for it. The Chair and Vice-Chair may suspend the timeline for the requirement for the Trustee alleged to have breached the Code of Conduct to file a written response to the allegations until after the decision of the Board of Trustees regarding their opinion, if the Chair and Vice-Chair deem it unnecessary for the purposes of their opinion. The Chair and Vice-Chair may seek the assistance of legal counsel when formulating their opinion and rationale.



- ii) The opinion shall be completed within 15 calendar days of receipt by the Chair of the written complaint and the Board of Trustees shall consider the opinion at the next Board meeting or a special Board meeting called for that purpose.
- iii) 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 of Trustees a formal inquiry shall not be conducted.
- iv) If the Chair and Vice-Chair of the Board cannot agree on the above then a full formal inquiry shall be conducted.
- v) If an allegation of a breach of the Code of Conduct on its face 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 procedure.

9.7 Steps of Formal Inquiry (to be rescinded effective end of day December 31, 2024 and replaced with Section 10.0 Integrity Commissioner Referral, Investigation, Decision and Appeal Process)

- i) If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by an independent outside consultant chosen by the Chair and Vice-Chair in consultation with the Director of Education or designate.
- ii) The *Statutory Powers Procedure Act* does not apply to anything done regarding the Enforcement of this Code of Conduct. [*Education Act* s.218.3(14)]. No formal trial-type hearing will be conducted.
- iii) Procedural fairness shall govern the formal inquiry. 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 with the person(s) undertaking the formal inquiry and in writing.
- vi) It is expected that the formal inquiry will be conducted within 90 calendar days of the receipt of the written response to the complaint. If a longer period of time is required to complete the inquiry, the reason for the extension shall be explained in the final report to the Board of Trustees.



- vii) 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 the time as the investigator deem appropriate in the circumstance.
- viii) 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.
- ix) The final report shall outline the finding of facts and a recommendation or opinion as to whether the Code of Conduct has been breached.

9.8 Suspension of Formal Inquiry (to be rescinded effective end of day December 31, 2024 and replaced with Section 10.0 Integrity Commissioner Referral, Investigation, Decision and Appeal Process)

- i) If the investigator, when conducting the formal inquiry, discover that the subject-matter of the formal inquiry 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 rest of the Board of Trustees.

9.9 Decision (to be rescinded effective end of day December 31, 2024 and replaced with Section 10.0 Integrity Commissioner Referral, Investigation, Decision and Appeal Process)

- i) The final 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 final report by the Board of Trustees.
- ii) 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.
- iii) If the Board of Trustees determine that there has been no breach of the Code of Conduct or that a contravention occurred, although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed.
- iv) The determination of a breach of the Code of Conduct and the imposition of a sanction with respect to a complaint investigated in accordance with the Formal Complaint Procedure 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. [*Education Act s.218.3(11) and (13)*]

- v) The reasons for the decision shall be recorded in the minutes of the meeting. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees of the Board present and voting.
- vi) 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:
 - a) the security of the property of the board;
 - b) 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 his or her parent or guardian;
 - c) the acquisition or disposal of a school site;
 - d) decisions in respect of negotiations with employees of the board; or,
 - e) litigation affecting the board. [*Education Act s.218.3(10)*]
- vii) The Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction. [*Education Act s.218.3(12)*]
- viii) The Trustee who brought the complaint to the attention of the Board of Trustees may vote on those resolutions.
- ix) 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.
- x) 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.

9.10 Sanctions (to be rescinded effective end of day December 31, 2024 and replaced with Section 10.0 Integrity Commissioner Referral, Investigation, Decision and Appeal Process)

- i) If the Board of Trustees determine that the Trustee has breached the Board's Code of Conduct, the Board of Trustees may impose one or more of the following sanctions:



- a) Censure of the Trustee.
 - b) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
 - c) Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board. [*Education Act s.218.3 (3)*]
- ii) The Board of Trustees 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 of Trustees have no power to declare the Trustee's seat vacant.
- iii) 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. [*Education Act s.218.3 (5)*]
- iv) 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. [*Education Act s.218.3(4)*]

9.11 Required Steps After the Decision (to be rescinded effective end of day December 31, 2024 and replaced with Section 10.0 Integrity Commissioner Referral, Investigation, Decision and Appeal Process)

- i) If the Board of Trustees determine that a Trustee has breached the Board's Code of Conduct the Board shall,
 - a) give the Trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board;
 - b) the notice shall inform the Trustee that he or she 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,



- c) consider any submissions made by the Trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received. [*Education Act s.218.3(6)*] except the Act does not require reasons be given but procedural fairness does and to have a record in case of a judicial review to Divisional Court]
- ii) If the Board revokes a determination, any sanction imposed by the Board is revoked. [*Education Act s.218.3(7)*]
- iii) If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary or revoke the sanction. [*Education Act s.218.3(8)*]
- iv) 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. [*Education Act s.218.3(9)*]
- v) 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. [*Education Act s.218.3(11)*] Both resolutions shall be decided by a majority vote of the Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting [*Education Act s.218.3 (13)*] together with the reasons for confirming or revoking a determination
- vi) The Board of Trustees 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.
- vii) The Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. [*Education Act s.218.3(12)*] The Trustee who brought the complaint may vote.
- viii) 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.
- ix) If appropriate, the original sanction may be stayed pending the reconsideration by the Board of Trustees of the determination or sanction.



10.0 Integrity Commissioner Referral, Investigation, Decision, Sanctions and Appeal Process (Effective January 1, 2025)

10.1 Appointment

- i) Subject to 10.2, the Integrity Commissioner appointed by the Board shall commence an investigation into the alleged breach of the *Code* no later than fourteen (14) days after being appointed and shall provide the Trustee with the opportunity to respond to the allegation(s), as well as a right of reply, where appropriate.
- ii) The Integrity Commissioner may define the scope of the above investigation.

10.2 Refusal to Commence an Investigation

- i) An Integrity Commissioner may refuse to commence an investigation into an alleged breach of the *Code* if:
 - a) The complaint was made more than sixty (60) days after the day the alleged breach occurred or was discovered, whichever is later, unless the Integrity Commissioner is satisfied the delay was incurred 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 is made in bad faith or is frivolous or vexatious
- ii) If a breach relates to a series of incidents, the sixty (60)-day period above runs from the date of the last incident in a series occurred or discovered.
- iii) A breach is discovered on the earlier of:
 - a) The day on which the Trustee notifying the Board first knew that the breach has occurred, and,
 - b) The day on which a reasonable person with the abilities and in the circumstances of the Trustee notifying the Board first ought to have known of the matters referred to in iii)a) above.
- iv) The Integrity Commissioner shall provide written notice of a refusal to commence an investigation to the Trustee who is the subject of the complaint and to the Board. The refusal decision is final.



10.3 Powers of the Integrity Commissioner in Conduct of Investigation

- i) In the course of conducting the investigation, the Integrity Commissioner may:
 - a) Require the production of any records that may in any way relate to the investigation;
 - b) Examine and copy any records that may in any way relate to the investigation; and,
 - c) Require any officer of the Board or any other person to appear before them and give evidence, on oath or affirmation, relating to the investigation.
- ii) Section 33 of the Public Inquiries Act, 2009 applies to an investigation.

10.4 Decision Process

- i) The Integrity Commissioner shall make a determination with respect to a complaint of an alleged breach no later than ninety (90) days after commencing the investigation, unless the integrity commissioner notifies the Board and the Trustee who is the subject of the complaint that an extension is necessary and of the reasons for the extension.
- ii) The Integrity Commissioner shall provide the Trustee whose conduct was the subject of the complaint and the Board written notice of a determination that the Trustee has or has not breached the Code and of any sanctions imposed.
- iii) 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.

10.5 Potential Sanctions

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

- i) Censuring of the Trustee;
- ii) Requiring the Board to reduce the Trustee's honorarium by a maximum of 25% of a Trustee's combined base and enrollment amount for the year of the term of office in which the breach occurred (under *Ontario Regulation 357/06 Honoraria*



- for Board Members*) requiring the member to return any excess already paid to the Trustee and authorizing the Board to recover the excess from the Trustee;
- iii) 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 ninety (90) days or the balance of the Trustee's term of office.
 - iv) Barring the Trustee from sitting on one or more committees of the Board, for the period of time specific by the Integrity Commissioner, up to a maximum of ninety (90) days or the balance of the Trustee's term of office, whichever is less.
 - v) 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 of those positions.
 - vi) Barring the Trustee from exercising the privileges of a Board member or acting as a Board representative, or removing the Trustee from a position the Trustee holds as a Board representative.
 - vii) Subject to any other limits set out in i) to vi), any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances.
 - viii) Subject to any other limits set out in i) to vi), any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Board's Code.
 - ix) The imposition of a sanction barring a Trustee from attending all or part of one meeting of the Board shall be deemed for purposes of clause 228(1)(b) of the *Education Act*, to be authorization for the Trustee to be absent from the meeting.
 - x) A Trustee who is barred from attending all or part of a meeting of the Board or a meeting of the 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 the public.

10.6 Appeal Process

- i) Either the Board or the Trustee whose conduct was the subject of the Integrity Commissioner's determination may appeal the determination, the sanctions imposed, or both, and the Board and the Trustee are the parties to such an appeal.



- ii) The Trustee whose conduct was the subject of the Integrity Commissioner's determination shall not vote on a Board resolution to determine whether the Board will appeal that determination.
- iii) The Board or Trustee who appeals the Integrity Commissioner's determination shall give written notice of the appeal to the other party and the Deputy Minister of Education no later than fifteen (15) business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) after receiving written notice of the Integrity Commissioner's determination.
- iv) The appeal shall be heard by a panel of three (3) Integrity Commissioners appointed by the Deputy Minister of Education or their designate within fifteen (15) business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) of having received notice of the appeal, but the panel shall not include the Integrity Commissioner whose determination is the subject of the appeal.
- v) One of the Integrity Commissioners on the panel shall be appointed by the panel to act as Chair and coordinate the hearing of the appeal.
- vi) The Chair of the panel shall notify the parties to the appeal of the appointment of the panel and the requirements of the process.
- vii) The panel will hear the appeal in writing only.
- viii) The appellant shall provide written submissions to the panel and the respondent within twenty (20) business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) after receiving notice that the panel has been appointed.
- ix) The respondent shall provide written submissions to the panel and the appellant within twenty (20) business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) after receiving the appellant's submissions.
- x) The appellant shall provide the panel and the respondent with their written reply to the respondent's submissions within ten (10) business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) after receiving the respondent's submission.
- xi) The Chair of the panel may extend the timelines in 10.6 (viii), (ix) and (s) above at the written request of one of the parties to the appeal in order to provide for the fair, just and expeditious resolution to the appeal. A decision to extend a timeline shall be provided to the parties in writing and a copy will be sent to the Deputy Minister of Education.



- xii) The panel will meet to consider the appeal in person or via electronic means and at such time and places as they may determine.

10.7 Panel Decisions

- i) The 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 panel's decision regarding dismissal on the ground of it being frivolous or vexatious or made in bad faith is final.
- ii) The Chair of the panel shall notify the parties to the appeal of its decision on the above matters.

10.8 Final Decision

- i) The panel shall provide its decision on the appeal and its reasons, including any dissent, to the parties in writing within thirty (30) business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) after receiving the respondent's written submissions on the appeal.
- ii) The panel shall provide to the Deputy Minister of Education a copy of the appeal decision, reasons and dissent.
- iii) The decision of the panel on the appeal respecting the determination of the Integrity Commissioner is final.

10.9 Determination Overturned

- i) If the panel overturns the determination made by the Integrity Commissioner, any sanction imposed by the Integrity Commissioner is revoked and the overturning of the sanction shall be deemed to be effective as of the date of the original determination made by the Integrity Commissioner.



10.10 Determination Upheld

- i) If the panel upholds the determination made by the Integrity Commissioner, the panel shall, within the thirty (30) business days (as defined by *Regulation 306/24* and the *Legislation Act, 2006*) after receiving the respondent's submissions on the appeal, uphold, vary or overturn the sanction.

10.11 Determination Varied or Overturned

- i) 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 by the integrity commissioner.

10.12 Powers of Integrity Commissioner and Panel

- i) The powers of the Integrity Commissioner to investigate and make a determination and the powers of the panel on appeal shall be exercised in a manner that is consistent with the denominational aspects of a Roman Catholic board.

10.13 Board to Publish Information

- i) The Board shall keep records and publish information on its website about each of the following:
 - a) A matter referred to an integrity commissioner for investigation and determination.
 - b) A decision of the integrity commissioner to refuse to commence an investigation under s. 10.2.
 - c) A determination by an integrity commissioner that a Trustee has or has not breached the Code, and any sanctions imposed.
 - d) A determination by a panel upholding or overturning an integrity commissioner's determination, including any variation of a sanction.
- ii) Where the alleged breach of the Code or the determination regarding the breach involves any of the matters described in clauses 207(2)(a) to (e) of the *Education Act*, the Board shall publish only such information.



Catholic Trustee Code of Conduct

Acknowledgement and Undertaking

As Trustee of the Simcoe Muskoka Catholic School Board I shall uphold, at all times, the Catholic Trustee Code of Conduct.

I confirm that I received, read, understand and agree to abide by the Simcoe Muskoka Catholic District School Board's *Catholic Trustee Code of Conduct*.

Date: _____

Trustee Signature: _____

Trustee Name: _____
Please Print

Witness Signature: _____

Witness Name: _____
Please Print

