



Number: II 007
Subject: Board Members' Code of Conduct

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Policy Statement:

Waterloo Catholic District School Board Trustees represent all the citizens of Waterloo Region and are responsible to separate school supporters through the democratic process. The separate school supporters of Waterloo Region have entrusted Trustees, through the democratic process, with the education of all students in its schools and serve as their advocates. The public is entitled to expect the highest standards from the school Trustees it elects.

Board members must represent un-conflicted loyalty to the interests of the ownership. This accountability supersedes the personal interest of any Board member acting as an individual consumer of the organization's services.

In addition to the duties of a Trustee under Section 218 of the Education Act and Regulations of Ontario, Catholic Trustees honour a set of additional expectations that have been set for them by the Catholic community. These include, but are not limited to:

- An appreciation that Catholic schools are an expression of the teaching Ministry of the Church;
- The facilitation of the best possible Catholic education according to the programs approved by the provincial Minister of Education and supported by the Canadian Conference of Catholic Bishops;
- A recognition and defense of the constitutional right of Catholic education and the democratic and corporate authority of the Board;
- An affirmation of a strong sense of Catholic community; and
- Prayer, support and encouragement for the efforts of all persons engaged in the ministry of Catholic education in Canada.
- The promotion of a positive image of the Board.
- Finally, Trustees will not cause or allow any conditions, procedures, actions or decisions that are undignified unprofessional, or contrary to the preservation of Catholic values and teaching.

Individual Trustees are expected to:

- Familiarize themselves with their duties and any requirements of them as prescribed by the Education Act and Regulations;
- Familiarize themselves with their duties and any requirements of them as prescribed by the Municipal Freedom of Information and Protection of Privacy Act and their related regulations;
- Familiarize themselves with positions, policies and directions of the Ontario Catholic School Trustees Association;

- Comply with the Municipal Conflict of Interest Act in declaring any and all direct and indirect pecuniary interests in a matter before the Board. Trustees are responsible and accountable for exercising good judgment and avoiding situations that might present a conflict of interest or an appearance of a conflict of interest;
- Respect and treat others fairly regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age or disability;
- Agree that all information deemed private or confidential that is provided is for Board business only, and will not be communicated beyond those to whom it has been provided;
- Commit to being fully prepared to participate and deliberate on all matters before the Board;
- Share in the distribution of Board workload including preparing, attending and participating in meetings, committees, public events such as graduations or other assignments as appointed.
- Trustees who sit on committees of the Board will bring on-going reports back to the Board of Trustees describing the work and any new learning and information gained as a result of the work of the committee.
- Trustees will treat each other with the respect and dignity requisite with their office including proper use of authority and appropriate decorum when acting as Board members.

Statutory Duties of a Trustee:

Trustees are expected to comply with the duties of a Board member as set out in Section 218.1 of the Education Act and Regulations.

A board member shall:

- Carry out his or her responsibilities in a manner that assists the Board in fulfilling its duties under this Act., including but not limited to the Board's duties under Section 169.1;
- Attend and participate in meetings of the board, including meetings of Board committees of which he or she is a member;
- Consult with parents, students and separate school supporters on the Board's multi-year plan under clause 169.1(1) (f);
- Uphold the implementation of any Board resolution after the Board has made a decision;
- Maintain focus on student achievement and well-being through the development of policies.

Relationship with the CEO and staff:

Board members may not attempt to exercise individual authority over the organization.

- Board members interaction with the CEO, or with staff, must recognize the lack of authority vested in individuals except when explicitly authorized by the Board;
- Board members interaction with the public, press or other entities must recognize the same limitation of any board member to speak for the Board;
- Except for participation in Board deliberation about whether reasonable interpretation of Board policy has been achieved by the CEO, Board members will not express individual judgments of performance of employees of the CEO.
- Board members will respect the confidentiality appropriate to issues of a sensitive nature and all issues in-camera;

Enforcement of Code of Conduct and Municipal Conflict of Interest Act:

Step One: Informal Process

Notwithstanding policies and procedures contained in other Board bylaws, in accordance with the provisions of section 218.3 of the Education Act, a breach of this Code of Conduct may be dealt with by the following procedures:

- A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair. Alternatively, a Roman Catholic elector may petition the Board of Trustees directly. Any allegation of a breach of the Code must be brought to the attention of the Chair no later than 6 weeks after the breach comes to the knowledge of the Trustee (or Roman Catholic elector) reporting the breach. Unless the allegation is of a criminal nature, allegations of a breach of the code should not come to the Chair if they are alleged to have occurred earlier than six months prior to coming to the awareness of the Trustee or ratepayer.
- If an alleged breach is brought to the attention of the Chair, s/he, along with the Vice-Chair shall make inquiries into the matter and shall, based on the result of the inquiries, determine whether there has been a breach. Investigations of alleged breaches of the Code are to be undertaken by the Chair and Vice-Chair of the Board or by two other Trustees selected by the Board for this purpose. The Chair or Vice Chair and/or selected Trustees shall exercise their powers in a fair and impartial manner having due regard for every Trustee's opinion or view.
- If in the opinion of the Chair and Vice-Chair of the Board an outside consultant should conduct the inquiry, the Director will appoint the consultant. At any time in the process, the Trustee who is alleged to have breached the Code can ask for an outside consultant to be brought in if, in her/his opinion, he/she is not being dealt with fairly.

Step Two: Informal Process Resolution

If, after hearing the evidence provided through the informal process, the Board determines that a Trustee has breached this Code of Conduct, the Board may select from a number of options moving forward in a progressive discipline approach:

1. A conversation between the Chair/Vice Chair and the Trustee in question where clarification, re-direction and/or a request for an apology may be sought.
2. The Chair/Vice Chair may recommend the Board use a Restorative Circle approach to bring understanding of the alleged offence and reconciliation of the issue so that, as a group, the Trustees can move on and healing occur. If this method is selected an outside facilitator, trained in Restorative Circles, will work with the group on this process.
3. The Board may also opt for a formal process to resolve the issue.

Formal Process Resolution:

4. Similar to the informal resolution process, the Chair/Vice-Chair (or in certain circumstances an outside consultant) investigates alleged breaches and brings a formal report to the Board. The Board will hear the evidence gathered through the investigation and determine if a breach of the Code occurred. It may impose one or more of the following sanctions:
 - request for an apology,
 - reprimand, censure or other sanctions as per board motion. These could include:
 - 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 Trustee from sitting on one or more committees of the Board for a period of time determined by the Board or
 - d) Removal of the Chair or Vice-Chair of the Board or Committee. A Trustee who is removed 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 related to that meeting or that part of the meeting that are not available to any member of the public.
 - In appropriate circumstances, the Board may also resolve to disassociate the Board from any action or statement of a Trustee.
5. If a Board determines that a Trustee has breached this Code of Conduct, the Board shall give the Trustee written notice of the determination and of any sanction imposed by the Board.

6. The notice shall inform the Trustee that he or she may make written submissions to the Board in respect of the determination or any sanction imposed by the Board.
7. 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 14 days after the notice is received by the Trustee.
8. The Board shall consider any submissions made by the Trustee and shall confirm or revoke the determination within 14 days after the Trustee's submissions are received.
9. If the Board revokes a determination that a Trustee has breached this Code of Conduct, any sanctions imposed by the Board are also revoked.
10. If the Board confirms a determination that a Trustee has breached this Code of Conduct, the Board shall, within 14 days after the Trustee's submissions were received, confirm, vary or revoke the sanction(s) imposed by the Board.
11. If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination about the alleged breach was made by the Board.
12. Despite subsection 207 (1) of the Education Act which requires meetings of the Board to be open to the public, but subject to the requirements below for specific resolutions of the Board to be made in public, the Board may close to the public the part of the meeting during which a breach or alleged breach of this Code of Conduct is considered when the breach or alleged breach involves any of the following matters:
 1. The security of the property of the Board;
 2. The disclosure of intimate, personal or financial information in respect of a Trustee or committee, an employee or prospective employee of the Board or a student or his or her parent or guardian;
 3. The acquisition or disposal of a school site;
 4. Decisions in respect of negotiations with employees of the Board or
 5. Litigation affecting the Board.

Process to be followed after decision to impose sanctions:

The Board shall do the following things by resolution at a meeting of the Board, and the vote on the resolution shall be open to the public:

- Make a determination that a Trustee has breached this Code of Conduct;
- Impose a sanction on a Trustee for a breach of this Code of Conduct;
- Confirm or revoke a determination regarding a Trustee's breach of this Code of Conduct;
- Confirm, vary or revoke a sanction after confirming or revoking a determination regarding a Trustee's breach of this Code of Conduct.

A Trustee who is alleged to have breached this Code of Conduct shall not vote on any of the resolutions listed above. When a resolution listed above is passed, the resolution shall be recorded in the Minutes of the meeting.

The Statutory Powers Procedures Act does not apply to any of the enforcement provisions under section 218.3 of the Education Act. Nothing in this Code of Conduct prevents a Trustee's breach of the Municipal Conflict of Interest from being dealt with in accordance with that Act.

A Trustee who is subject to a board inquiry to determine whether the Trustee has breached the Code of Conduct has a right to retain and be represented by legal counsel throughout the process. Legal expenses will not be paid unless extraordinary circumstances are determined by Board motion.

The required vote on any resolutions of determination will be made by a simple majority of all Trustees on the Board not including the accused Trustee.