

Toronto District School Board

Policy P075

Title: **BOARD MEMBER CODE OF CONDUCT**

Adopted: September 21, 2005

Revised: November 26, 2008; September 23, 2009; June 18, 2014; **June 17, 2015**

Reviewed: November 2012; June 2013; May 24, 2014

Proposed Review Date: June 2016

Authorization: Board of Trustees

1.0 OBJECTIVE

- 1.1 Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the provincial government. The conduct of the members of the Toronto District School Board (the “Board”) must be of the highest standard to maintain the confidence of the public.
- 1.2 This Board Member Code of Conduct (“Code of Conduct”) represents the Board’s commitment to meeting high standards of conduct and is designed to provide the trustees with principles and standards for expected ethical behaviour.

2.0 RESPONSIBILITY

Board of Trustees

3.0 DEFINITIONS

- 3.1 *Integrity Commissioner* refers to the Integrity Commissioner appointed by the Board of Trustees in accordance with the Toronto District School Board Bylaws.
- 3.2 *Members of the Board* includes the Chair and all members of the Board of Trustees.
- 3.3 *Staff members* refers to employees of the Toronto District School Board.
- 3.4 *The Board* refers to the Toronto District School Board, which is also referred to as the TDSB.

4.0 POLICY

- 4.1 The following principles are a guide to the interpretation and application of the Code of Conduct:

- (a) Members of the Board shall serve and be seen to serve their school communities in a constructive, respectful, conscientious and diligent manner;
- (b) Members of the Board shall recognize the public trust in the expenditure of TDSB funds efficiently and in the best interests of students;
- (c) Members of the Board should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- (d) Members of the Board are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- (e) Members of the Board shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the bylaws and policies adopted by the Board.

This Code of Conduct operates as a supplement to the existing statutes governing the conduct of members of the Board in all their roles. The following primary provincial and federal legislation govern the conduct of members of the Board:

- *Education Act*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Occupational Health and Safety Act*
- *Ontario Human Rights Code*
- *Child and Family Services Act*
- *Criminal Code of Canada.*

4.2 Confidential Information

- (a) No member of the Board shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the member's term of office.
- (b) Members of the Board should not access or attempt to gain access to confidential information in the custody of the Board unless it is necessary for the performance of their duties and not prohibited by Board policy.
- (c) Confidential information includes information in the possession of, or received in confidence by the TDSB that the TDSB is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom*

of *Information and Protection of Privacy Act* (“MFIPPA”), or other legislation, or received in confidence from other third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

- (d) Under the TDSB Bylaws, a matter that has been discussed by the Board of Trustees in closed session in accordance with section 207(2) of the *Education Act* is confidential. No member of the Board shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Board of Trustees discusses the information at a meeting that is open to the public or releases the information to the public.
- (e) Confidentiality may attach to information concerning:
- Litigation or any potential litigation affecting the Board;
 - 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;
 - The acquisition or disposal of the Board’s real property, including a school site;
 - Decisions in respect of negotiations with the staff members of the Board;
 - Information deemed to be “personal information” under the MFIPPA;
 - Information subject to solicitor-client privilege.
- (f) If there is uncertainty about whether information is confidential, the member of the Board should check with the appropriate staff member, consult with the Director of Education or seek the advice of the Integrity Commissioner.

4.3 Gifts, Benefits and Hospitality

Members of the Board are expected to carry out their duties with impartiality and objectivity. Members must decline from accepting a gift, benefit or hospitality because of the risk that this will compromise the objectivity of the member of the Board or lead to an appearance of lack of objectivity, bias or influence on the part of the Member. For these purposes, a gift, benefit or hospitality provided with the member’s knowledge to a member’s spouse, child, or parent, or to a member’s staff that is connected directly or indirectly to the performance of the member’s duties is deemed to be a gift to that member of the Board.

There are circumstances in which the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and his/her role in representing the Board. For that reason, this section outlines the limited exceptions to the rule that members of the Board should not accept any gifts or benefits from persons connected directly or indirectly to their public office. The Integrity Commissioner should be consulted for advice by members of the Board if the application of this section is unclear.

The following are recognized as exceptions, which do not apply in the case of vendors of goods and services, or those expecting to be vendors to the TDSB:

- (a) compensation authorized by law;
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law, in the case of members running for office;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring the member;
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
- (g) food and beverages consumed at banquets, receptions or similar events, if:
 - i. attendance serves a legitimate business purpose;
 - ii. the person extending the invitation or a representative of the organization is in attendance; and
 - iii. the value is reasonable and the invitations infrequent;
- (h) communication to the offices of a member, including newspapers and periodicals;
- (i) gifts of a nominal value (e.g., baseball cap, t-shirt, book etc.) valued at no more than \$25.00.

4.4 Use of Board Property, Services and Other Resources

No member of the Board should use, or permit the use of Board staff members, Board events, Board facilities, Board funds, Board information and Board infrastructure or other resources (e.g., Board-owned materials, websites, and social media platforms) for activities other than the business of the TDSB. No member of the Board may obtain personal financial gain from the use or sale of Board-developed intellectual property (e.g., inventions, creative writings and drawings),

Archived Version: June 17, 2015 to November 21, 2017

computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Board.

4.5 Election Campaign Work

No member of the Board shall use the facilities, equipment, supplies, services or other resources of the Board (including newsletters, social media sites and websites linked through the Board's website, contact information including email addresses obtained as a result of the member's performance of his or her duties as a trustee) for any election campaign or campaign-related activities. No member of the Board shall undertake campaign-related activities on Board property during regular working hours unless permitted by Board policy. No member of the Board shall use the services of persons for election-related purposes during hours in which those persons receive any compensation from the Board. Election activity refers to campaigns for municipal, provincial and federal office or campaigns on a question on a ballot.

4.6 Improper Use Of Influence

- (a) No member of the Board shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties. This includes using the influence of the office to obtain employment for a family member, or otherwise using one's status as a member of the Board to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within the Board in return for present actions or inaction. It includes refraining from using one's status to improperly influence the decision of another person to improperly prejudice another person or persons.
- (b) For the purposes of this provision, "private advantage" and "improperly prejudice" does not include a matter:
 - i. that is of general application;
 - ii. that affects a member of the Board, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
 - iii. a committee or Board matter that concerns the remuneration or benefits of a member of the Board.

Archived Version: June 17, 2015 to November 21, 2017

4.7 Conduct Regarding Current And Prospective Employment

No member of the Board shall allow any current employment or the prospect of his or her future employment by a person or entity to improperly or for personal gain affect the performance of his or her duties to the Board.

4.8 Conduct At Board And Committee Meetings

Members of the Board act in the service of the community. They have the opportunity to set an example for future leaders who may look to them for guidance and leadership. They are expected to respect the procedural rulings of the Chair. They are expected to refrain from verbally attacking or belittling those who complain or do not agree with them. It is vital that members of the Board conduct themselves with decorum at board and committee meetings and in accordance with the provisions of the TDSB's Bylaw concerning meeting procedures.

4.9 Conduct Respecting Staff Members

- (a) No member of the Board shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff members of the Board, and all members of the Board shall show respect for the professional capacities of staff members.
- (b) No members of the Board shall compel staff members to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. No member of the Board shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.
- (c) Members of the Board shall carry out their duties as defined within section 218.1 of the *Education Act*. The Board of Trustees as a whole approves budget, policy, Committee processes, and other such matters. Staff members serve the Board of Trustees as a whole. Members of the Board shall be respectful of the role of staff members to provide advice based on political neutrality and objectivity and without undue influence from any individual member or faction of the Board of Trustees. Board members will respect the distinct roles of staff in implementing policy in accordance with the provisions of the *Education Act* and the Board's Governance Policy.

4.10 Discreditable Conduct

All members of the Board have a duty to treat members of the public, one another, and staff members respectfully and without abuse, bullying or intimidation, and to

ensure that their work environment is free from discrimination and harassment. This provision applies to all forms of written and oral communications, including via social media. The *Occupational Health and Safety Act* applies. In addition, the *Ontario Human Rights Code* applies as do relevant TDSB *Workplace Harassment* and *Workplace Violence Prevention* policies.

4.11 Failure To Adhere To The Board Policies And Procedures

- (a) A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by the Board. More generally, members of the Board are required to observe the terms of all policies and procedures established by the Board that apply to members of the Board.
- (b) A member of the Board may request an exemption from a policy from the Board of Trustees.

4.12 Reprisals And Obstruction

Members of the Board should respect the integrity of this Code of Conduct and are obliged to cooperate with inquiries conducted in accordance with the procedures set by the Board for addressing complaints of a breach of this Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone else for providing relevant information to the Integrity Commissioner is prohibited. The TDSB's *Reporting of Suspected Wrongdoing (Whistleblowing) Policy* applies. It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, for example, by destroying documents or erasing electronic communications.

4.13 Acting On Advice Of Integrity Commissioner

Where a member of the Board has received written advice from the Integrity Commissioner on a particular matter, the advice is binding on the Board in any subsequent consideration of the conduct of the member in the same matter as long as the member of the Board disclosed all relevant facts to the Integrity Commissioner at the time the advice was provided.

4.14 Compliance With The Code Of Conduct

- (a) The *Education Act* authorizes the Board of Trustees to impose one or more of three sanctions on a member of the Board following an inquiry into whether the member has breached this code of conduct:
 - i. Censuring the member of the Board;

- ii. Barring the member of the Board from attending all or part of a meeting of the Board of Trustees or a meeting of the committee of the Board of Trustees; and
- iii. Barring the member of the Board from sitting on one or more committees of the Board of Trustees, for the period of time specified by the Board of Trustees.

5.0 SPECIFIC DIRECTIVES

The Board of Trustees has authority to issue operational procedures to implement this policy.

6.0 APPENDICES

N/A

7.0 REFERENCE DOCUMENTS

Policies:

- P016 Employee and Trustee Expenses
- P034 Workplace Harassment
- P066 Reporting of Suspected Wrongdoing (Whistleblowing) Policy
- P072 Workplace Violence Prevention
- P086 Governance Policy
- TDSB Bylaws

Procedures:

- PR571 Code of On-line Conduct
- PR582(b) Trustee Expenditure Guidelines

Archived Version: June 17, 2015 to November 21, 2017