

**PEEL DISTRICT SCHOOL BOARD**  
**CODE OF CONDUCT**  
**FOR MEMBERS OF PEEL DISTRICT SCHOOL BOARD**

**Preamble**

The members of the Peel District School Board occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional and impartial manner.

It is imperative that the Members of the Board be, and be seen to be acting in the best interests of the public they serve.

Without limiting the generality of the foregoing, a Board Member would compromise themselves in the discharge of their duties by failing to declare a conflict of interest as required pursuant to the *Municipal Conflict of Interest Act*, by contravening any other law, by disclosing confidential business, personnel or student information, and by misappropriating Board resources.

This Code of Conduct is applicable to all Members of the Board.

**Decorum**

Members of the Board shall at all times act with decorum and shall be respectful of other Members of the Board and members of staff, as well as the public.

A Board Member may comment on, or disagree with, a decision made by the Board. However, in accordance with s. 218.1(c) of the *Education Act* and this Code of Conduct, a Board Member is required to uphold the implementation of any Board resolution after it is passed by the Board. A Member of the Board may not make disparaging remarks about or speculate on the motives of a Board Member or a group of Board Members when commenting on or expressing disagreement with a decision made by the Board.

Any Member of the Board who resists the rule of the Board, uses offensive language, disobeys the decision of the Chair or the Board on points of order, or makes any disorderly noise or disturbance may, unless an apology is offered, be ordered by the Chair to leave for the remainder of the meeting, and in the case of refusal to do so, may, on the order of the Chair, be removed from the Board Room and Board Office. Such removal is to be recorded in the Minutes of the Meeting. (See ss. 207(3) of the *Education Act*).

## CODE OF CONDUCT FOR MEMBERS OF PEEL DISTRICT SCHOOL BOARD

### Complying with the Law

Members of the Board shall comply with Board Policies and Procedures, Ministry of Education requirements, as well as the provisions of the *Education Act* and Regulations, *Municipal Conflict of Interest Act*, *Municipal Freedom of Information and Protection of Privacy Act*, and any other Act or Regulation that may be applicable to the Board Member's duties from time to time.

### Specific Requirements under Part VI of the Education Act

(as amended effective December 15, 2009, by Bill 177 – An Act to amend the Education Act with respect to student achievement, school board governance and certain other matters)

All Members of the Board are expected to comply with the following duties of Board members as set out in section 218.1 of the *Education Act*:

"A member of a board shall,

- a) carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under this Act, the regulations and the guidelines issued under this Act, including but not limited to the board's duties under section 169.1;
- b) attend and participate in meetings of the board, including meetings of board committees of which he or she is a member;
- c) consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1(1)(f);
- d) bring concerns of parents, students and supporters of the board to the attention of the board;
- e) uphold the implementation of any board resolution after it is passed by the board;
- f) entrust the day to day management of the board to its staff through the board's director of education;
- g) maintain focus on student achievement and well-being through the development of policies; and
- h) comply with the board's code of conduct."

### Additional Duties of the Chair

In addition to the duties of Members of the Board set out in s. 218.1 of the *Education Act*, the Chair of the Board is expected to comply with the additional duties set out in s. 218.4 of the *Act*:

"In addition to any other duties under the Act, the chair of a board shall,

- a) preside over meetings of the board;
- b) conduct the meetings in accordance with the board's procedures and practices for the conduct of board meetings;
- c) establish agendas for board meetings, in consultation with the board's director of education or the supervisory officer acting as the board's director of education (an Associate Director may act as Secretary to the Board in the absence of the Director);

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**Additional Duties of the Chair** (Continued)

- d) ensure that members of the board have the information needed for informed discussion of the agenda items;
- e) act as spokesperson to the public on behalf of the board, unless otherwise determined by the board;
- f) convey the decisions of the board to the board's director of education;
- g) provide leadership to the board in maintaining the board's focus on the multi-year plan established under section 169.1;
- h) provide leadership to the board in maintaining the board's focus on the board's mission and vision; and
- i) assume such other responsibilities as may be specified by the board."

**Conflict of Interest**

All Members of the Board are expected to comply with the *Municipal Conflict of Interest Act*, R.S.O., 1990, c. M-50 provisions, attached as Appendix H, which requires a Member of the Board to declare and disclose the general nature of the interest for all direct and indirect pecuniary conflicts of interest and abstain from making a decision.

In all situations where a Member of the Board or their spouse, child or parent has a pecuniary interest in a matter before the Board, that Board Member must declare a conflict of interest, disclose the general nature of the interest, and abstain from discussions and voting with respect to that issue. Where such conflict of interest arises during an in-camera session of the Board, the Members of the Board must absent themselves from the room during discussion and deliberation of the issue for which they have a conflict.

It is an expectation of the Board that Members of the Board will not only comply with the requirements of the *Municipal Conflict of Interest Act*, but also avoid conflicts of interest as defined by this Code of Conduct.

Pursuant to this Code of Conduct a conflict of interest may exist when the decisions and/or actions of a Member of the Board during the course of exercising their duties are affected by or perceived by another party or person to be affected by the Board Member's personal, financial or business interests or the personal, financial or business interests of a relative, friend, and/or business associate of the Board Member.

Every Member of the Board is responsible and accountable for exercising good judgment and avoiding situations that might present a conflict of interest or the appearance of a conflict of interest, and where a conflict of interest might exist each Board Member has an affirmative duty to disclose such conflict when it becomes apparent.

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**Conflict of Interest** (Continued)

No Board Member shall use their position, authority or influence for personal, financial or material gain or personal business purposes or for the personal, financial or material gain or business purposes of a relative, friend and/or business associate. Every Board Member shall uphold and enhance all Board business operations by:

- a) Maintaining an unimpeachable standard of integrity in all their relationships, both inside and outside the Board;
- b) Fostering the highest standard of professional competence amongst those for whom they are responsible;
- c) Complying with and being seen to be complying with the letter and spirit of:
  - The laws of Canada and the Province of Ontario,
  - Contractual obligations applicable to the Board; and
- d) Rejecting and denouncing any business practice that is improper or inappropriate or may appear to be improper or inappropriate.

A Member of the Board shall not use their position, authority or influence to give any person or organization special treatment that might, or might be perceived to, advance the interests of the Board Member, or the interests of a relative, friend and/or business associate of the Board Member.

A Member of the Board must not participate in any decision or recommendation in which they or a relative, friend or business associate may have a financial, commercial or business interest.

All Members of the Board shall disclose a conflict of interest or potential conflict of interest, and the general nature of the interest, to the Board.

**Confidentiality**

All Members of the Board acknowledge that as part of their duties to the Board they may be privy to private, confidential and/or legally privileged financial, business and/or commercial information belonging to the Board that may provide a financial, business, commercial or competitive advantage, and that they may be privy to private and confidential student and personnel information, and/or legal matters and opinions. Such information may include, but is not limited to, information relating to the Board's organizational structure, operations, business plans, technical projects, business costs, research data results, inventions, trade secrets or other work produced, developed by or for the Board.

Except as required by law, all Members of the Board and former Members of the Board agree not to use, directly or indirectly, for the Board Member's benefit or for the benefit of any person, organization, firm, or other entity, the Board's proprietary or confidential information disclosed or entrusted to that Board Member, and Members of the Board recognize that such inappropriate use of confidential information for their benefit may constitute a criminal breach of trust contrary to s.122 of the *Criminal Code* (Canada).

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### **Confidentiality** (Continued)

Except as required by law, and in accordance with the *Education Act* and *Municipal Freedom of Information and Protection of Privacy Act*, all Members of the Board agree not to use or disclose the personal and/or educational information of students and their families that may come to the attention of such Board Member.

Except as required by law, and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, all Members of the Board agree not to use or disclose the personal and/or employment information of Board employees and their families that may come to the attention of a Board Member.

A Board Member's duty of confidentiality with respect to private and confidential financial, business and/or commercial information, personnel information, student information, and legal matters and opinions survives their term as Member of the Board.

### **Board Resources**

No Member of the Board shall use Board resources for personal gain. No Member of the Board shall permit relatives, friends and/or business associates to use Board resources for personal gain. Members of the Board recognize that such inappropriate use of Board resources directly or indirectly for their benefit may constitute a criminal breach of trust contrary to s.122 of the *Criminal Code* (Canada).

All Members of the Board shall abide by Board Policies and General Administrative Procedures regarding the use of Board resources including information technology resources.

### **Enforcement of Code of Conduct and the Municipal Conflict of Interest Act**

In accordance with the provisions of s. 218.3 of the *Education Act*, a breach of this Code of Conduct by a Board Member may be dealt by the following procedures:

- A Board Member who has reasonable grounds to believe that another Board Member has breached this Code of Conduct may bring the alleged breach to the attention of the Board.
- If an alleged breach is brought to the attention of the Board, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether there has been a breach.
- If the Board determines that a Board Member has breached this Code of Conduct, the Board may impose one or more of the following sanctions:
  - a) Censure of the Board Member.
  - b) Barring the Board Member from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
  - c) Barring the Board Member from sitting on one or more committees of the Board, for the period of time specified by the Board.

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**Enforcement of Code of Conduct and the Municipal Conflict of Interest Act** (Continued)

A Board Member 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 the members of the public.

In appropriate circumstances, the Board may also resolve to disassociate the Board from any action or statement of a Board Member.

In addition to the sanctions above, the Board may declare the office of the Chair and/or Vice-Chair to be vacant effective as of the date of the Board's determination, where the Chair and/or Vice-Chair:

- a) becomes disqualified as a Board Member;
- b) deliberately breaches any relevant legislation;
- c) deliberately breaches any Board policy or practice; and/or
- d) acts in such a manner as to lose the confidence of the Board.

If such determination is made, the Board shall elect an interim Chair and/or Vice-Chair respectively, as the case may be. A new Chair and/or Vice-Chair will be elected at the next regular meeting of the Board.

If a Board determines that a Board Member has breached this Code of Conduct, the Board shall give the Board Member written notice of the determination and of any sanction imposed by the Board.

The notice shall inform the Board Member 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 Board Member.

The Board shall consider any submissions made by the Board Member and shall confirm or revoke the determination within 14 days after the Board Member's submissions are received.

If the Board revokes a determination that a Board Member has breached this Code of Conduct, any sanction imposed by the Board is also revoked.

If the Board confirms a determination that a Board Member has breached this Code of Conduct, the Board shall, within 14 days after the Board Member's submissions were received, confirm, vary or revoke the sanction(s) imposed by the Board.

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.

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**Enforcement of Code of Conduct and the Municipal Conflict of Interest Act** (Continued)

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:

- 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 student 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.

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:

- a) Make a determination that a Member of the Board has breached this Code of Conduct.
- b) Impose a sanction on a Board Member for a breach of this Code of Conduct.
- c) Confirm or revoke a determination regarding a Board Member's breach of this Code of Conduct.
- d) Confirm, vary or revoke a sanction after confirming or revoking a determination regarding a Board Member's breach of this Code of Conduct.

A Member of the Board 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 Procedure Act* does not apply to any the enforcement provisions under section 218.3 of the *Education Act*.

Nothing in this Code of Conduct prevents a Board Member's breach of the *Municipal Conflict of Interest Act* from being dealt with in accordance with that *Act*.