

Toronto District School Board

Policy P075

Title: **BOARD MEMBER CODE OF CONDUCT**

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1. RATIONALE

This Board Member Code of Conduct (“Code of Conduct”) affirms TDSB’s commitment to meeting high standards of conduct by Members of the Board and upholding public confidence and integrity of the TDSB.

The Code of Conduct is governed by the *Education Act* and Ontario Regulation 312/24: Members of School Boards – Code of Conduct, and supports implementation of Board-established bylaws, policies and procedures that set out the governance and accountability framework at the TDSB.

2. OBJECTIVE

To establish governing principles and standards for expected ethical behaviour by Members of the Board.

3. DEFINITIONS

Appellant means the party appealing the Integrity Commissioner’s determination.

Bad Faith, Frivolous or Vexatious Complaint refers to a type of complaint that may be refused by the Integrity Commissioner, based on their own assessment, and generally means the following:

- *Bad Faith* means brought with an ulterior motive: for example, motivated by ill will, hostility, malice, personal animosity, lack of fairness or

impartiality, lack of total honesty such as withholding information. It includes serious carelessness recklessness and intentional fault.

- *Frivolous* means lacking a legal basis or legal merit; a matter that has little prospect of success; not serious, not reasonably purposeful;
- *Vexatious* means a complaint that is deliberately false, or that is brought forward without sufficient merit, solely to cause annoyance or distress. It is important to note that there is a difference between a vexatious complaint and a complaint that is unsubstantiated but that was brought forward based on the complainant's good faith belief that a breach occurred.

Board means the Board of Trustees pursuant to the *Education Act*.

Business Day refers to a day from Monday to Friday, excluding holidays.

Chair means the Chairperson of the Board.

Complainant means a Member of the Board who files a Notice of Complaint, or a Staff Member or a Member of the Public who submits a complaint to trusteecomplaint@tdsb.on.ca alleging a breach of the Code of Conduct.

Discrimination means adverse treatment that is unfair based on one or more protected grounds under the *Human Rights Code*; or treatment that results in disadvantage, violates dignity, or perpetuates prejudice against a person or group in relation to one or more protected grounds under the *Human Rights Code*. Discrimination can be direct or indirect, individual or systemic and need not be intended.

Harassment means a course of vexatious comment or conduct based on a protected ground under the *Human Rights Code*, which is known, or ought reasonably to be known, to be unwelcome, and includes sexual harassment. Harassment is a form of discrimination. It is usually the result of a series of incidents but may also result from one very serious incident.

Integrity Commissioner means the Integrity Commissioner appointed by the Board in accordance with applicable legislation and Board Bylaws.

Member of the Board means a member of the Board of Trustees pursuant to section 1(12) of the *Education Act*, with duties specified in section 218.1 of the Act.

Member of the Public means a member of the TDSB community (including parents/guardians/caregivers, students, and volunteers), residents of the City of Toronto, and individuals or organizations serving the TDSB community.

Notice of Complaint refers to a written notification of an alleged breach of the Code of Conduct.

Notice of Complaint Recipient refers to the Member of the Board who receives the Notice of Complaint to refer to the Integrity Commissioner, as follows:

- Chair, unless the notice relates to the conduct of the Chair;
- Vice-Chair, if the notice relates to the conduct of the Chair;
- another Member of the Board who is neither the Complainant nor the subject of the complaint, if the notice relates to the conduct of both the Chair and Vice-Chair.

Official Business means duties and responsibilities of Members of the Board as prescribed by the *Education Act* and further explained in the Governance Policy (P086), and directly related to governance and/or operations of the TDSB.

Respondent means the party responding to an appeal of the Integrity Commissioner's determination.

Staff Member means employee of the TDSB.

TDSB means the Toronto District School Board.

Trustee Office means the authority and public duties attached to the position of being elected as a Member of the Board.

Vice-Chair means the Vice-Chairperson of the Board.

4. RESPONSIBILITY

The Board of Trustees, Integrity Commissioner, and the Director of Education.

5. APPLICATION AND SCOPE

This Code of Conduct applies to all Members of the Board.

6. POLICY

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 Board must be of the highest standard to maintain the confidence of the public.

This Code of Conduct represents the TDSB's commitment to meeting high standards of conduct.

6.1. General Principles

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

- 6.1.1. Members of the Board must serve their school communities in a constructive, respectful, conscientious, and diligent manner.
- 6.1.2. Members of the Board will govern in a manner that is responsible to the entire community; act in the interests of all learners of the district; and promote confidence in publicly funded education through communications about the goals and achievements of the TDSB.
- 6.1.3. Members of the Board will expend TDSB funds efficiently and in the best interests of students.
- 6.1.4. Members of the Board will perform their functions with integrity and avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.
- 6.1.5. 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.
- 6.1.6. Members of the Board will 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.
- 6.1.7. Members of the Board agree to the common understanding that individual Members of the Board will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual Member of the Board which is not available to every other individual. Allowable activities include those activities that are reasonably related to a Trustee's Office, taking into consideration the different interests and the diverse profiles of their wards/communities.
- 6.1.8. Members of the Board recognize that their Oath of Office binds them to the provisions of the *Municipal Conflict of Interest Act* (MCIA). The Integrity Commissioner has no authority to receive or investigate complaints regarding alleged contraventions of the MCIA.
- 6.1.9. 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:
 - *Criminal Code of Canada.*
 - *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*

- *Ombudsman Act*
- *Ontario Human Rights Code*

- 6.1.10. In the event of a conflict between this Code of Conduct and the applicable legislation, the legislation will prevail.
- 6.1.11. Under the *Education Act*, the Integrity Commissioner has authority to investigate alleged breaches of the Code of Conduct, make determinations and impose sanctions. The Integrity Commissioner should be consulted for advice by Members of the Board if the application of any section of this Code of Conduct is unclear. Further details regarding the appointment and authority of the Integrity Commissioner are outlined in the sections below.

6.2. Confidential Information

- 6.2.1. No Member of the Board will 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 of the Board's term of office.
- 6.2.2. No Member of the Board will use confidential information in a manner that would be detrimental to the interests of the TDSB or for the purpose of personal gain or for the gain of the Member of the Board's parent/guardian/caregiver, spouse or child.
- 6.2.3. Members of the Board should not access or attempt to gain access to confidential information in the custody of the TDSB unless it is necessary for the performance of their duties and not prohibited by TDSB policy.
- 6.2.4. 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.
- 6.2.5. Under the Board Bylaws, a matter that has been discussed by the Board in closed session in accordance with sections 207(2) and 207(2.1) of the *Education Act* is confidential. No Member of the Board will disclose the content of any such matter, or the substance of deliberations, of the closed session meeting until the Board discusses the information at a meeting that is open to the public or releases the information to the public.

In accordance with subsection 207(2) of the *Education Act*, a meeting of a committee of the Board, including the Committee of the Whole, may be closed to the public when the subject-matter under consideration involves,

- (a) the security of the property of the TDSB;
- (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 TDSB or a pupil or their parent/guardian/caregiver;
- (c) the acquisition or disposal of a school site;
- (d) decisions in respect of negotiations with employees of the TDSB; or
- (e) litigation affecting the TDSB.

Under subsection 207(2.1) of the *Education Act*, a meeting of the Board or of a committee of the Board, including the Committee of the Whole, must be closed to the public when the subject-matter under consideration involves an ongoing investigation under the *Ombudsman Act* respecting the TDSB.

- 6.2.6. Individual Members of the Board are only entitled to information in the possession of the TDSB that is relevant to matters before the Board or a committee of the Board. Otherwise, an individual Member of the Board enjoys the same level of access rights to information as any other member of the community.
- 6.2.7. 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.

6.3. Gifts, Benefits and Hospitality

- 6.3.1. Members of the Board are expected to carry out their duties with impartiality and objectivity. Members of the Board 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 of the Board. For these purposes, a gift, benefit or hospitality provided with the Member of the Board's knowledge to a member's spouse, child, or parent, or to a Member of the Board's staff that is connected directly or indirectly to the performance of the Member of the Board's duties is deemed to be a gift to that Member of the Board.
- 6.3.2. No Member of the Board will accept a gift from any person, group or entity that has dealings with the TDSB if a reasonable person

might conclude that the gift could influence the Member of the Board when performing their duties unless:

- (a) the gift is of nominal value;
- (b) the gift is given as an expression of courtesy or hospitality; and,
- (c) accepting the gift is reasonable in the circumstances.

6.3.3. 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 their role in representing the TDSB. 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.

6.3.4. 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 of the Board running for office;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring the Member of the Board;
- (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. For the purposes of this exception, "official capacity" refers to attendance in a ceremonial, presentational or representational role on behalf of the Board or where the TDSB has authorized the member to attend on behalf of the organization;
- (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 of the Board, 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.

6.3.5. An invitation to attend a function where the invitation is connected directly with the performance of a Member of the Board's duties of office (i.e., for which the Member of the Board has a ceremonial, presentational or representational official role) is not considered by this Code of Conduct, to be a gift. This type of attendance is considered to be fulfillment of official public duties.

6.4. Use of TDSB Property, Services and Other Resources

- 6.4.1. No Member of the Board will use, or permit the use of TDSB Staff Members, TDSB events, TDSB facilities, TDSB funds, TDSB information and TDSB infrastructure or other resources (e.g., TDSB-owned materials, websites, and social media platforms) for activities other than the business of the TDSB.
- 6.4.2. No Member of the Board may obtain personal financial gain from the use or sale of TDSB-developed intellectual property (e.g., inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the TDSB.

6.5. Election Campaign Work

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

6.6. Board Spokesperson

- 6.6.1. No Member of the Board will act as a spokesperson to the public on behalf of the Board unless authorized by the Board.

- 6.6.2. When individual Members of the Board express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

6.7. Improper Use of Influence

- 6.7.1. No Member of the Board will use the influence of their office for any purpose other than for the exercise of their 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 of the Board's supposed influence within the TDSB 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.
- 6.7.2. For the purposes of this provision, "private advantage" and "improperly prejudice" does not include a matter:
- (a) that is of general application;
 - (b) that affects a Member of the Board, their parents, children or spouse, Staff Members, friends, or associates, business or otherwise as one of a broad class of persons; or
 - (c) a committee or Board matter that concerns the remuneration or benefits of a Member of the Board.

6.8. Conduct Regarding Current and Prospective Employment

- 6.8.1. No Member of the Board will allow any current employment or the prospect of their future employment by a person or entity to improperly or for personal gain affect the performance of their duties to the Board.

6.9. Conduct at Board and Committee Meetings

- 6.9.1. 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 Board Bylaws concerning meeting procedures.

6.10. Conduct Respecting Staff Members

- 6.10.1. No Member of the Board will maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of Staff Members of the TDSB, and all Members of the Board will show respect for the professional capacities of Staff Members.
- 6.10.2. No Members of the Board will 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 will 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.
- 6.10.3. Members of the Board will carry out their duties as defined within section 218.1 of the *Education Act*. The Board as a whole approves budget, policy, committee processes, and other such matters. Staff Members serve the Board as a whole. Members of the Board will 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 of the Board or faction of the Board. Members of the Board 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 (P086).

6.11. Discreditable Conduct

- 6.11.1. 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.
- 6.11.2. When acting or holding themselves out as a Member of the Board, the Member of the Board will conduct themselves in a manner that would not discredit or compromise the integrity of the TDSB.
- 6.11.3. When acting or holding themselves out as a Member of the Board, the member will treat persons equally without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or socio-economic status.
- 6.11.4. Harassing or discriminatory behaviour, as indicated in the TDSB Workplace Harassment Prevention and Human Rights policies and the *Ontario Human Rights Code*, which occurs in the course of, or is related to, the performance of official business and duties of Members of the Board is subject to this Code of Conduct. All

complaints involving Members of the Board including in relation to human rights matters will be directed to appropriate party outlined in s. 6.14 below, Notification of Alleged Breach Code of Conduct.

6.12. Failure to Adhere to Board Policies and Procedures

- 6.12.1. Members of the Board will comply with the Code of Conduct, Board Bylaws, applicable resolutions of the Board, policies and procedures.
- 6.12.2. Members of the Board will comply with the provisions of the Employee and Trustee Expenses Policy (P016) and corresponding procedures as amended from time-to-time.

6.13. Integrity Commissioner and Investigations of Alleged Breaches of Code of Conduct

- 6.13.1. The Board will appoint an Integrity Commissioner in accordance with applicable legislation and subject to qualification requirements outlined in Ontario Regulation 306/24 under the *Education Act*.
- 6.13.2. The Integrity Commissioner will:
 - (a) Investigate alleged breaches of the Code of Conduct, make determinations with respect to complaints of alleged breaches, and impose sanctions as applicable;
 - (b) Provide advice on the application of the Code of Conduct, TDSB policies, procedures and general information with respect to a Member of the Board's obligations under the *Municipal Conflict of Interest Act*;
 - (c) Make inquiries as directed by the Board and in accordance with the legislation into whether a Member of the Board has contravened the Code of Conduct;
 - (d) Provide opinions on policy matters and make other reports to the Board as requested on issues of ethics and integrity;
 - (e) Provide educational programs to Members of the Board on issues of ethics and integrity;
 - (f) Maintain custody and control of complaint and inquiry files and on completion of their term of appointment, to transfer open files relating to ongoing matters to the incoming Integrity Commissioner appointed by the Board; and
 - (g) Provide such other duties respecting ethical matters as assigned by the Board.
- 6.13.3. If there is uncertainty about whether an action or activity refers to conduct prohibited by the Code of Conduct, advice may be sought from the Integrity Commissioner. Only following an investigation by the Integrity Commissioner can a determination of violation of the Code of Conduct be made.
- 6.13.4. Where a Member of the Board has received written advice from the Integrity Commissioner on a particular matter, the advice is binding

in any subsequent consideration of the conduct of the Member of the Board 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.

6.14. Voluntary Pre-Complaint Resolution

- 6.14.1. Members of the Board, Staff Members or Members of the Public who have reasonable grounds to believe that a Member of the Board has breached the Code of Conduct are encouraged to use informal means first to address conduct prohibited by the Code of Conduct through the Voluntary Pre-Complaint Resolution process outlined in the Complaint Protocol for the Board Member Code of Conduct (PR708).
- 6.14.2. Individuals, however, are not required to attempt an informal resolution of a complaint before commencing a formal complaint described below.

6.15. Notification of Alleged Breach of Code of Conduct

- 6.15.1. Members of the Board, Staff Members and Members of the Public may provide information about an alleged breach of the Code of Conduct by completing the Notice of Complaint form and emailing it to trusteecomplaint@tdsb.on.ca. Alternatively, Notices of Complaint forms can be sent by registered mail, regular mail*, or provided in person to Trustee Services:

5050 Yonge Street
Toronto, Ontario M2N 5N8

If delivered by email or in person, receipt will be deemed to be effective immediately.

*If delivered by regular mail, Trustee Services may be contacted using the information below to track and confirm receipt. Receipt will be deemed to be effective upon confirmation of receipt by Trustee Services.

Individuals may contact Trustee Services at 416-395-8787 or trusteeservices@tdsb.on.ca if accommodation is required.

- 6.15.2. The Notice of Complaint form from Staff Members and Members of the Public will be deemed to have been received by the Notice of Complaint Recipient.
- 6.15.3. A notification alleging a breach of the Code of Conduct must include:
 - (a) the name and contact information of the Complainant alleging the breach;
 - (b) the name and contact information of the member whose conduct is the subject of the notification;

- (c) the date of the alleged breach;
- (d) a description of the alleged breach; and
- (e) the provision of the Code of Conduct that was allegedly breached.

6.15.4. Trustee Services will confirm receipt, and will input, track and immediately distribute the Notice of Complaint to the following parties:

- Notice of Complaint Recipient (i.e., Chair, Vice-Chair, or Member of the Board, as applicable)
- Director's Office
- Respondent Member of the Board
- Entire Board of Trustees

6.15.5. If the matter is not resolved within 20 Business Days after the member received the notice, refer the matter to the Integrity Commissioner.

6.16. Investigation

6.16.1. In accordance with the *Education Act*, the Integrity Commissioner will commence an investigation into the alleged breach of the Code of Conduct no later than fourteen (14) calendar days after receiving notification, and will provide the Member of the Board with the opportunity to respond to the allegations as well as a right to reply, where appropriate.

6.16.2. 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 required; 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.

6.16.3. The Integrity Commissioner will make a determination with respect to a complaint of an alleged breach no later than ninety (90) calendar days after commencing the investigation, or within such other time period as may be prescribed by regulation, unless the Integrity Commissioner notifies the Board and the Member of the Board who is the subject of the complaint that an extension is necessary and of the reasons for the extension.

6.17. Late, Bad Faith, Frivolous or Vexatious Complaint

6.17.1. The Integrity Commissioner may refuse to commence an investigation into an alleged breach if:

- (a) the complaint was made more than sixty (60) calendar 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.
- 6.17.2. If a breach relates to a series of incidents, the sixty (60) calendar day period in the provision above runs from the day the last incident in the series occurred or was discovered.
- 6.17.3. The Integrity Commissioner will provide written notice of a refusal to commence an investigation to the Member of the Board who is the subject of the complaint and to the Board.
- 6.17.4. Decisions made by the Integrity Commissioner regarding refusal to commence an investigation are final.

6.18. Sanctions

- 6.18.1. If the Integrity Commissioner determines, following an investigation, that the Member of the Board has breached the Code of Conduct, the Integrity Commissioner may impose one or more of the following sanctions:
 - 1) Censure of the Member of the Board.
 - 2) Requiring the Board to reduce the Member of the Board's honorarium by an amount not exceeding 25% of the Member of the Board's combined base and enrolment amount for the year of the term of office in which the breach occurred, in accordance with Regulation 357/06: Honoraria for Board Members, requiring the Member of the Board to return any excess already paid to the Member of the Board and authorizing the Board to recover the excess from the Member of the Board.
 - 3) Barring the Member of the Board 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) calendar days or the balance of the Member of the Board's term of office, whichever is less.
 - 4) Barring the Member from sitting on one or more committees of the Board, for the period of time specified by the Integrity Commissioner, up to a maximum of ninety (90) calendar days or the balance of the Member of the Board's term of office, whichever is less.
 - 5) Barring the Member of the Board from becoming the Chair or Vice-Chair of the Board or of any committee of the Board, or removing the Member of the Board from any of those positions.

- 6) Barring the Member of the Board from exercising the privileges of a Board Member or acting as a Board representative, or removing the Member of the Board from a position the Member of the Board holds as a Board representative.
 - 7) Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances.
 - 8) Subject to any other limits set out in paragraphs 1 to 6, any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Board's Code of Conduct.
- 6.18.2. For greater certainty, the imposition of a sanction barring a Member of the Board from attending all or part of one meeting of the Board will be deemed, for the purpose of clause 228 (1) (b) of the *Education Act*, to be authorization for the Member of the Board to be absent from the meeting.
- 6.18.3. A Member of a Board 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.

6.19. Determination by Integrity Commissioner

- 6.19.1. The Integrity Commissioner is required to provide the Member of the Board whose conduct was the subject of the complaint and the Board written notice of a determination that the Member of the Board has or has not breached the Board's Code of Conduct and of any sanctions imposed.
- 6.19.2. 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 under section 218.3.2 of the *Education Act*.

6.20. Appeal Process

- 6.20.1. Either the Board or the Member of the Board 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 Member of the Board are the parties to such an appeal. For clarity, Staff Members and Members of the Public who file a complaint cannot directly appeal the Integrity Commissioner's determination, only the Board or Member of the Board whose conduct was subject of the Integrity Commissioner's determination may do so.
- 6.20.2. The Board must adopt a resolution to initiate an appeal.

- 6.20.3. The Member of the Board whose conduct was the subject of the Integrity Commissioner's determination may initiate an appeal on their own accord.
- 6.20.4. When the Board of Trustees' makes an appeal, the Member of the Board whose conduct was the subject of the Integrity Commissioner's determination will not vote on the Board resolution to determine whether the Board will appeal that determination.
- 6.20.5. The Board or the Member of the Board who appeals the Integrity Commissioner's determination will give written notice of the appeal to the other party and the Deputy Minister of Education no later than fifteen (15) Business Days after receiving written notice of the Integrity Commissioner's determination, or within such other time period as may be prescribed by regulation.
- 6.20.6. An appeal will be heard by a panel of three integrity commissioners appointed by the Deputy Minister of Education or their delegate, but the panel must not include the Integrity Commissioner whose determination is the subject of the appeal.

6.21. Decision of Appeal Panel

- 6.21.1. The panel of integrity commissioners will provide its decision and its reasons, including any dissent, to the parties in writing no later than thirty (30) Business Days after receiving the respondent's submission.
- 6.21.2. The panel will provide a copy of the decision, reasons and dissent to the Deputy Minister of Education.
- 6.21.3. If the panel overturns the determination made by the Integrity Commissioner, any sanction imposed by the Integrity Commissioner is revoked.
- 6.21.4. If the panel upholds the determination made by the Integrity Commissioner, the panel will, within the time required by the regulations, uphold, vary or overturn the sanction.
- 6.21.5. If a sanction is varied or overturned, the variation or overturning will be deemed to be effective as of the date the original determination was made.
- 6.21.6. The decision of a panel respecting the determination of the Integrity Commissioner is final.

6.22. Reprisals and Obstruction

- 6.22.1. Members of the Board will 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.

- 6.22.2. No individual will give notice of an alleged breach of the Code of Conduct under subsection 218.3 (1) of the *Education Act* if the allegation is frivolous or vexatious or the notice is given in bad faith.
- 6.22.3. No Member of the Board will engage in reprisal or the threat of reprisal against:
 - (a) the Complainant, or
 - (b) any person who provides information about the alleged breach to the Integrity Commissioner.
- 6.22.4. 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 (P066) applies.
- 6.22.5. It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of their responsibilities, for example, by destroying documents or erasing electronic communications.
- 6.22.6. Members of the Board have a duty to respond to and comply with all requests of the Integrity Commissioner and failure to do so is a violation of this Code of Conduct.

6.23. Records and Information

- 6.23.1. TDSB will keep records and publish information on its website about key components of the alleged breach of the Code of Conduct investigation, as outlined in subsections 218.3.2(11) and 218.3.2(12).
- 6.23.2. TDSB will make its Code of Conduct publicly available on its website.
- 6.23.3. TDSB will indicate on its website the effective date of every change it makes to its Code of Conduct, other than changes of a typographical or similar nature.
- 6.23.4. TDSB will maintain an archive of all previous versions of its Code of Conduct, indicating the time period during which each version applies, and will ensure that the versions are publicly accessible.

7. SPECIFIC DIRECTIVES

The Board has authority to issue operational or governance procedures to implement this Code of Conduct.

8. EVALUATION

This Code of Conduct will be reviewed as required, and in accordance with the timelines set out in Ontario Regulation 312/24 – Members of School Boards – Code of Conduct:

Next review period will be no later than May 15, 2027.

Each subsequent review will be completed every four (4) years and no later than May 15 in the year of the review.

If one or more changes are set out in a Board resolution under subsection (1) of Ontario Regulation 312/24, the Board will update its Code of Conduct to reflect the changes no later than August 31 in the year of the review.

9. APPENDICES

N/A

10. REFERENCE DOCUMENTS

Policies and Bylaws:

- Board Bylaws
- Employee and Trustee Expenses Policy (P016)
- Governance Policy (P086)
- Human Rights Policy (P031)
- Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066)
- Workplace Harassment Prevention for Non-Human-Rights-Code Harassment Policy (P034)
- Workplace Violence Prevention Policy (P072)

Procedures:

- Code of On-line Conduct (PR571)
- Complaint Protocol for the Board Member Code of Conduct (PR708)
- Trustee Expense Procedure (PR582(b))

Legislative Acts and Regulations:

- *Criminal Code of Canada*
- *Education Act*
- *Human Rights Code*
- *Municipal Conflict of Interest Act*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information and Protection of Privacy Act*

- *Occupational Health and Safety Act*
- *Ombudsman Act*
- *Ontario Human Rights Code*
- Ontario Regulation 312/24: Members of School Boards – Code of Conduct
- Ontario Regulation 306/24: Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct
- Ontario Regulation 357/06: Honoraria for Board Members