



BOARD POLICY NO.GOV-05	
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Board Motion:	25-R63

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## CODE OF CONDUCT: BOARD MEMBERS

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### 1. RATIONALE

This governance policy guides the actions of Board members/trustees of Rainbow District School Board as they carry out their duties as described in the *Education Act*, regulations, and Board policy. This policy aligns the conduct of Board members with the guiding principles in the Rainbow District School Board Code of Conduct.

Board members occupy positions of public trust and responsibility. They are expected to maintain the integrity of the Board and their positions as trustees by acting in a professional and impartial manner. It is imperative that trustees act, and be seen to act, in the best interests of the people they serve.

A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing the norms of acceptable behaviour.

A code of conduct policy contributes to confidence in public education and respect for integrity of Trustees in the community. It deals with acceptable and respectful behaviours.

### APPLICATION

This Code of Conduct and the Enforcement Procedures apply to all Trustees of the Board, including the Chair of the Board and student trustees. Every trustee of the Board shall uphold the letter and spirit of this code of conduct.

### 2. POLICY

#### 2.0 Integrity and Dignity of Office

- 2.1 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.
- 2.2 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.

- 2.3 Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner that would not discredit or compromise the integrity of the Board.
- 2.4 Trustees shall ensure that their comments are issue-based and not personal, demanding or disparaging with regard to Board staff or fellow Board members.
- 2.5 The Board encourages trustee involvement in Board and school activities. Trustees shall endeavour to participate in Trustee development opportunities to enhance their ability to fulfill their obligations.
- 2.6 When acting or holding themselves out as a Trustee, the Trustee shall 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 or disability.
- 2.7 Trustee behaviour through emails, social media, and other online systems must be respectful of board policy and confidentiality requirements.

### **3. Avoidance of Personal Advantage and Conflict of Interest**

- 3.1 No trustee shall accept a gift from any person, group or entity if a reasonable person might conclude that the gift could influence the trustee when performing his/her duties to the Board, unless
- (a) the gift is of nominal value,
  - (b) the gift is given as an expression of courtesy or hospitality,
  - (c) accepting the gift is reasonable in the circumstances, and
  - (d) the gift is an inherent duty as part of a cultural practice.
- 3.2 A trustee shall not use his/her office to advance the trustee's interests or the interests of any family member or person or organization with whom or with which the trustee is related or associated.
- 3.3 No Trustee shall use his/her office to obtain employment with the Board for the Trustee or a family member.
- 3.4 No Trustee shall use or permit the use of board resources for any purposes other than the business of the Board.

### **4. Compliance with Legislation**

- 4.1 A trustee of the Board shall discharge his/her duties in accordance with the *Education Act* and any regulations, directives, or guidelines; and comply with the board's code of conduct and any applicable board by-law, resolution, policy or procedure and all other relevant legislation.
- 4.2 Every trustee shall respect and understand the roles and duties of individual Trustees, the Board of Trustees, the Chair of the Board, and the Director of Education.

**5. Civil Behaviour**

- 5.1 No trustee shall engage in conduct at any time that would discredit or compromise the integrity of the Board.
- 5.2 A Trustee of the Board shall not make allegations of misconduct and/or a breach of this code of conduct against another Trustee of the Board that are trivial, frivolous, vexatious, made in bad faith, or vindictive in nature.
- 5.3 When expressing individual views, Trustees shall respect the differing point of view of other Trustees on the Board, staff, students and the public.
- 5.4 Trustees shall at all times act with decorum and shall be respectful of other Trustees of the Board, staff, students and the public.
- 5.5 All Trustees of the Board shall endeavour to work with other Trustees of the Board and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

**6. Respect for Confidentiality**

- 6.1 Every trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.
- 6.2 No trustee shall use confidential information for either personal gain or to the detriment of the Board.
- 6.3 No Trustee shall disclose confidential information, including personal information obtained or made available to them in their role as a Trustee except as authorized by law or the Board. Confidential information includes personal information about an identifiable individual or information subject to solicitor-client privilege.
- 6.4 No Trustee shall use confidential information, including confidential information obtained by them or made available to them in their role as a Trustee for the purpose of personal gain or for the gain of the Trustee's parent, spouse or child and shall not use such confidential information in a manner that would be detrimental to the interests of the Board. [Parent, spouse and child have the same meaning as in Section 1 of the *Municipal Conflict of Interest Act*.]
- 6.5 A board member's duty of confidentiality with respect to private and confidential information extends beyond their term as a trustee. Inappropriate use of confidential information may constitute a criminal breach of trust contrary to section 122 of the Criminal Code (Canada).

**7. Upholding Decisions**

- 7.1 All trustees of the Board shall accept that authority rests with the Board, and that a trustee has no individual authority other than that delegated by the Board.

- 7.2 Each trustee shall uphold the implementation of any Board resolution after it has been passed by the Board. A proper motion for reconsideration or rescission as defined by the Rainbow District School Board Governance By-Laws, can be brought forward by a Trustee.
- 7.3 Each trustee must comply with Board policies, procedures, By-Laws, and Rules of Order.
- 7.4 The Chair of the Board is the spokesperson to the public on behalf of the business of the Board, unless otherwise determined by the Board. No other trustee shall act as spokesperson to the public on behalf of the Board and its business unless expressly authorized by the Chair of the Board or Board to do so. If Trustees express their individual opinions in public, they must make it clear that they are not speaking on behalf of the Board.

## **ENFORCEMENT OF THE CODE OF CONDUCT**

### **8. General**

- 8.1 These enforcement procedures apply to all trustees of the Board, including the Chair of the Board and student trustee(s).
- 8.2 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 through 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. See section 10.1 for additional information.
- 8.3 Any allegation of a breach of the Code must be brought to the Chair of the Board no later than 60 days 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.
- 8.4 At the Annual Organizational Meeting, two alternate trustees shall be chosen by the Board to be used when the circumstance warrants that one or both trustees are needed in place of the Chair or Vice-Chair to carry out the duties required under these enforcement procedures.
- 8.5 The trustee who brought the complaint of a breach of the Code of Conduct shall not be involved in any inquiry into the complaint.
- 8.6 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*. Any trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.

**9. Informal Complaint Procedure**

- 9.1 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 in judgement 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 his/her obligations under the Code.
- 9.2 Only serious and/or recurring breaches of the Code by a trustee should be investigated following the *Formal Complaint Procedure*. However, a trustee does not have to first attempt an informal resolution of a complaint before commencing a formal complaint.
- 9.3 The *Informal Complaint Procedure* is conducted in private.
- 9.4 Without the necessity of providing a formal written complaint, the Chair of the Board, on their own initiative or at the request of a trustee of the Board 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 alleged 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. At the discretion of the Chair, the Vice-Chair or another trustee of the Board may be included in this meeting.
- 9.5 If the allegations of a breach of the Code involve the Chair of the Board, the Vice-Chair of the Board may carry out the duties described under section 9.4 above. At the Vice-Chair's discretion, they may include one of the alternate trustees defined in section 8.4 to attend the meeting.
- 9.6 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*. The Chair, Vice-Chair, or their alternates, as the case may be, may confirm the discussion and outcome of the Informal Review Process in writing to the trustee. If a resolution of the informal complaint cannot be achieved, then a formal complaint may be brought against the trustee alleged to have breached the Code and that complaint will be dealt with in accordance with the *Formal Complaint Procedure*.

**10. Formal Complaint Procedure**

- 10.1 A trustee who has reasonable grounds to believe that a trustee of the Board has breached the Board's Code of Conduct shall notify the following persons in writing of the alleged breach:
- a) the Chair of the Board; or
  - b) the Vice-Chair of the Board if the notice is related to the conduct of the Chair; or
  - c) the alternate trustee(s) identified in section 8.4 if the notice relates to both the conduct of the Chair and the Vice-Chair.
- 10.2 The trustee who gives notice of an alleged breach of the Board's Code of Conduct shall also provide a copy of the notification to the Director of Education of the Board.

- 10.3 The person to whom the notification is made (Chair, Vice-Chair, or their alternates, as the case may be) shall immediately provide a copy of the written notice to the trustee whose conduct is the subject of the alleged breach and the entire Board of Trustees. This notice shall not be public or published by the Board in accordance with section 17.7 below.
- 10.4 No trustee shall give notice of an alleged breach of the Code if the allegation is frivolous or vexatious or if the notice is given in bad faith.
- 10.5 No trustee shall engage in reprisal or the threat of reprisal against a trustee who gave notice of an alleged breach of the Code; or any person who provides information about the alleged breach to the person appointed by the Board to investigate the breach.
- 10.6 The *Statutory Powers Procedure Act* does not apply to anything done regarding the enforcement of the Code as particularized in s.218.3.2(13) of the *Education Act*. No formal trial-type hearing will be conducted.
- 10.7 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 shared with trustees 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;
  - e) litigation affecting the Board.

## **11. Notice of Breach**

- 11.1 A breach is discovered on the earlier of:
- a) the day on which the trustee notifying the Board of the alleged breach first knew that the breach had occurred; or
  - 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 matter referred to in (a) above.
- 11.2 The written notice of a breach of the Code shall include:
- a) the name of the trustee alleging the breach and their contact information;
  - b) the name and contact information of the trustee whose conduct is the subject of the notification;
  - c) the date of the alleged breach;

- d) a description of the alleged breach;
- e) the provision(s) of the Code that was/were allegedly breached;
- f) the date on which the trustee alleging the breach first knew that the alleged breach occurred;
- g) the names and contact information of any witnesses to the breach and any other persons who have relevant information regarding the alleged breach.

11.3 A complaint of an allegation of a breach of the Code should generally be made within sixty (60) days after the alleged breach occurred or was discovered, whichever is later.

## **12. Resolution of Notice of Breach: First Twenty Days**

12.1 When a formal complaint is brought against a trustee of the Board, during the twenty (20) Business Day period prior to an Integrity Commissioner being appointed (described below), the Board may attempt to resolve the matter itself. The Chair of the Board, Vice-Chair, or their alternates, as the case may be, may attempt to resolve the matter between the parties in private. They may include, as part of this process, the Chair/Vice-Chair/Trustees, through the Director of Education or their designate; and may retain legal counsel and/or a mediator to assist in resolving the matter. The process may also include a discussion and the use of remedial measures including 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*.

12.2 If the matter is resolved to the satisfaction of the trustee alleging the breach, the trustee shall withdraw the notice of the breach. The Chair, Vice-Chair, or their alternates, as the case may be, shall confirm in writing to both parties the nature of the formal complaint, its resolution including remedial measures to be taken, and withdrawal of the complaint. The Board of Trustees will be advised whether the matter has been resolved and any agreed upon remedial measures or other basis for resolving the matter.

12.3 If the complaint described in the notice of breach is not resolved within twenty (20) Business Days after the trustee alleged to have breached the Code has received the notice, the matter shall be referred to an Integrity Commissioner appointed by the Board as described in *Appointment of Integrity Commissioner* below. This should be done as soon as reasonably possible.

## **13. Appointment of Integrity Commissioner**

13.1 If the complaint is not resolved as described above, the Chair, Vice-Chair, or their alternates, to whom the notification of the breach was given shall refer the complaint to the Integrity Commissioner appointed and paid for by the Board.

13.2 If a roster of Integrity Commissioners has been created by the Minister of Education, the Board shall appoint an Integrity Commissioner from that roster. If a roster of Integrity Commissioners has not been created by the Minister of Education, the Board shall appoint an external independent person who has the qualifications set out in Regulation 306/24 *Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct* and in consultation with the Director of Education.

13.3 The appointment of an Integrity Commissioner by the Board is hereby delegated to the Chair, Vice-Chair or their alternates as the case may be, in consultation with the Director of Education.

**14. Integrity Commissioner: Investigation and Decision**

14.1 Subject to a refusal to commence an investigation, described in section 14.4 below, 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 by the Board.

14.2 The Integrity Commissioner appointed by the Board to investigate the alleged breach may define the scope of the investigation.

14.3 The trustee alleged to have breached the Code shall be provided with the opportunity to respond to the allegations, and to a right of reply, where appropriate. The Integrity Commissioner shall determine this, the timelines, and the form of such a response.

14.4 The Integrity Commissioner may refuse to commence an investigation into the alleged breach of the Code if the complaint is 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 is incurred in good faith and no substantial prejudice will result to any person affected by the delay; or, in the opinion of the Integrity Commissioner, the complaint is made in bad faith or is frivolous or vexatious.

14.5 If a breach relates to a series of incidents the 60-day period above runs from the day the last incident in the series occurred or was discovered.

14.6 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 the Board and the decision of the Integrity Commissioner is final.

14.7 In the course of conducting the investigation, the Integrity Commissioner may require the production of any records that may in any way relate to the investigation; examine and copy any record so required; and require any officer of the Board or any other person to appear before them and give evidence, on oath or affirmation, relating to an investigation.

14.8 Section 33 of the *Public Inquiries Act, 2009* applies to an investigation.

14.9 The Integrity Commissioner shall make any determination with respect to a complaint of alleged breach of the Code no later than ninety (90) 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 trustee who is the subject of the complaint that an extension is necessary and the reasons for the extension.

14.10 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. The written notice must include the reasons for the determination; the reasons for any sanctions; and information about the right to appeal.

**15. Potential Sanctions**

- 15.1 If, following an investigation, the Integrity Commissioner determines that the trustee has breached the Code of Conduct, the Integrity Commissioner may impose one or more of the following sanctions:
- a) censure the trustee;
  - b) require the Board to reduce the trustee's honorarium by an amount not exceeding the amount prescribed in Regulation 357/06 *Honoraria for Board Members* which currently is 25% of the trustee's combined base and enrolment amount for the year of the term of office in which the breach occurred;
  - c) bar 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, whichever is less;
  - d) bar the trustee 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) days or the balance of the trustee's term of office, whichever is less;
  - e) bar the trustee from becoming the Chair or Vice-Chair of the Board or of any committee of the Board, or remove the trustee from a position the trustee holds as a Board representative;
  - f) bar the trustee from exercising the privileges of a trustee acting as a Board representative, or remove the trustee from a position the trustee holds as a Board representative;
  - g) subject to any other limits set out above in sections a) to f), any other sanction that, in the opinion of the Integrity Commissioner is reasonable and appropriate in the circumstances;
  - h) subject to any other limits set out above in sections a) to f), any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Board's Code of Conduct.
- 15.2 For greater certainty, the imposition of a sanction barring a trustee from attending all or part of one meeting of the Board shall be deemed, for the purpose of clause 228(1)(b) of the *Education Act* to be authorization for the trustee to be absent from the meeting.
- 15.3 Any trustee who is barred from attending all or part of the 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.

**16. Appeal**

- 16.1 Either the Board or the trustee whose conduct was the subject of an investigation may appeal the Integrity Commissioner's decision, the sanctions imposed, or both, and the Board and the trustee are the parties to an appeal.
- 16.2 The trustee whose conduct was the subject of the investigation shall not vote on the Board's resolution to determine whether the Board will appeal the Integrity Commissioner's decisions on breach or sanctions.

- 16.3 The Board or the trustee who appeals the Integrity Commissioner's determinations shall give written notice of the appeal to the other party and to the Deputy Minister of Education no later than fifteen (15) Business Days after receiving the written notice of the Integrity Commissioner's determination.
- 16.4 The appeal shall be heard by a panel of three (3) Integrity Commissioners appointed by the Deputy Minister of Education or their delegate no later than fifteen (15) Business Days after the Deputy Minister or delegate receives the notice of appeal. The panel should not include the Integrity Commissioner whose determination is the subject of the appeal.
- 16.5 One of the appointed Integrity Commissioners shall be named by the panel to act as Chair and co-ordinate the hearing of the appeal.
- 16.6 The Chair of the panel shall notify the parties to the appeal of the appointment of the panel, and the requirements regarding written submissions of the parties, and the requirements of the panel's written decision.
- 16.7 The panel shall hear the appeal in writing.
- 16.8 The Appellant shall provide written submissions to the panel and the Respondent no later than twenty (20) Business Days after receiving notice that the panel has been appointed.
- 16.9 The Respondent shall provide written submissions to the panel and the Appellant no later than twenty (20) Business Days after receiving the Appellant's submissions.
- 16.10 The Appellant shall provide their written reply to the Respondent's submission no later than ten (10) Business Days after receiving the Respondent's submissions.
- 16.11 The Chair of the panel may extend any timeline regarding the above written submissions at the written request of a party in order to provide for the fair, just, and expeditious resolution of the appeal. A decision to extend a timeline shall be provided to the parties in writing and a copy of the decision shall be provided to the Deputy Minister of Education.
- 16.12 The panel shall convene to consider the appeal at such times and in such places as they may determine. The panel may be convened by electronic means.
- 16.13 The panel may define or narrow the scope of the appeal; limit the length of submissions from the parties; make interim decisions and orders; and on its own motion, and without holding a hearing, dismiss an appeal as frivolous or vexatious or commenced in bad faith. A panel decision on its motion is final.
- 16.14 The Chair of the panel shall notify the parties of any decisions made by the panel.

## **17. Decision of the Panel**

- 17.1 The panel shall 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.

- 17.2 The panel shall provide a copy of the decision, reason and dissent to the Deputy Minister of Education.
- 17.3 If the panel overturns the determination as to whether there is a breach of the Code made by the Integrity Commissioner, any sanction imposed by the Integrity Commissioner is revoked.
- 17.4 If the panel upholds the determination made by the Integrity Commissioner, the panel shall, within thirty (30) Business Days after receiving the Respondent's submissions on the appeal, uphold, vary, or overturn the sanction.
- 17.5 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 made by the Integrity Commissioner.
- 17.6 The decision of the panel respecting the determination of the Integrity Commissioner is final.
- 17.7 A 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 as explained under section 14.4 above;
  - c) determination of an Integrity Commissioner that a trustee has or has not breached the Code of Conduct and any sanction(s) imposed;
  - d) a determination by a panel upholding or overturning an Integrity Commissioner's determination including any variation of a sanction.
- 17.8 Where the alleged breach of the Board's Code of Conduct or the determination regarding the breach involves any of the matters described in s. 10.8 above, the Board shall publish only such information as is appropriate.

## **18. Public Availability**

- 18.1 The board shall make its code of conduct publicly available on its website.
- 18.2 The Board shall complete its next Code of Conduct review no later than May 15, 2027, and by May 15 every fourth year thereafter. The board shall 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.
- 18.3 The board shall maintain an archive of all previous versions of its code of conduct, indicating the period during which each version applied, and shall ensure that the versions are publicly accessible
- 18.4 A copy of the following acknowledgement and undertaking shall be signed by each trustee and kept in a file at the Rainbow District School Board offices.

**ACKNOWLEDGEMENT AND UNDERTAKING**

I confirm that I have read, understand, and agree to abide by the Board's Code of Conduct and the Enforcement Procedures.

DATE: ► \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

Witness:

DATE: ► \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

**REFERENCE DOCUMENTS**

*Legal:*

*Education Act. S 207 Open and Closed Meetings of the Board*

*Education Act S 218.2 Code of Conduct*

*Education Act S 218.3 Enforcement of Code of Conduct*

*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*

*Board:*

Board Policy No. GOV-01 Vision, Mission, and Values

Board Policy No. GOV-03 Role of the Corporate Board

Board Governance By-Laws

Rainbow District School Board Code of Conduct