



The Niagara Catholic District School Board through
the charisms of faith, social justice, support and leadership,
nurtures an enriching Catholic learning community for all
to reach their full potential and become living witnesses of Christ.

AGENDA AND MATERIAL

POLICY COMMITTEE MEETING

**JUNE 15, 2021
5:00 P.M.**



*Electronic Meeting in Compliance with Education Act Section 207 and
Ontario Regulation 463/97 Section 5.1 (2)
Public Access Phone No: 1-647-558-0588 Meeting ID: 967 2816 7113 Password: 022965*

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1. Opening Prayer – Trustee Prince -
 2. Attendance -
 3. Approval of Agenda -
 4. Declaration of Conflict of Interest -
 5. Minutes of Policy Committee Meeting of April 27, 2021 5
 6. Governance Policies
 - Action Required*
 - GOVERNANCE POLICIES – FOR RECOMMENDATION TO SEPTEMBER COMMITTEE OF THE WHOLE
 - 6.1 Trustee Code of Conduct Policy (100.12) 6.1
 - GOVERNANCE POLICIES – PRIOR TO VETTING
 - Nil
 - Information*
 - 6.2 Governance Policies Currently Being Vetted -
 - Nil
 - 6.3 Governance Policy Review 2020-2021 Schedule 6.3
 7. Date of Next Meeting
September 28, 2021 – 4:30 p.m.
 8. Adjournment -

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
POLICY COMMITTEE MEETING
JUNE 15, 2021**

**TITLE: MINUTES OF THE POLICY COMMITTEE MEETING
APRIL 27, 2021**

RECOMMENDATION

THAT the Policy Committee approve the minutes of the Policy Committee Meeting of April 27, 2021, as presented.



MINUTES OF THE POLICY COMMITTEE MEETING

TUESDAY, APRIL 27, 2021

Minutes of the Policy Committee Meeting held virtually on Tuesday, April 26, 2021 at 4:30 p.m.

The meeting was called to order at 4:30 p.m. by Policy Committee Chair Prince.

1. Opening Prayer

The meeting was opened with a prayer by Trustee Huibers.

2. Attendance

Committee Members	Present	Present Electronically	Absent	Excused
Leanne Prince (Committee Chair)	✓			
Rhianon Burkholder	✓			
Larry Huibers	✓			

Trustees:

Kathy Burtnik

Staff:

Camillo Cipriano, Director of Education

Lee Ann Forsyth-Sells, Superintendent of Education

Anna Pisano, Administrative Assistant, Corporate Services/Recording Secretary

3. Approval of Agenda

Moved by Trustee Burkholder

THAT the April 27, 2021 Policy Committee Agenda be approved, as presented.

APPROVED

4. **Declaration of Conflict of Interest**

No Disclosures of Interest were declared with any items on the agenda.

5. **Minutes of the Policy Committee Meeting of March 23, 2021**

Moved by Trustee Huibers

THAT the Policy Committee approve the minutes of the Policy Committee Meeting of March 23, 2021, as presented.

APPROVED

6. **Governance Policies**

ACTION REQUIRED

GOVERNANCE POLICIES - FOR RECOMMENDATION TO MAY COMMITTEE OF THE WHOLE MEETING

6.1 **Board By-Laws Policy (100.1)**

Director Cipriano presented feedback received from the vetting process and highlighted recommended amendments to the Board By-Laws Policy (100.1) following the vetting process.

Following discussion, the Policy Committee recommended the following additional amendments:

- Page 11 – Section 14 – add “*All public meetings will be recorded and accessible to the public. All in-camera meetings will also be recorded but not accessible to the public unless challenged by the Ombudsman*”
- Page 13 – add “*Land Acknowledgement*” to the Routine Matters of the Board Meeting

Moved by Trustee Huibers

THAT the Policy Committee recommend to the May Committee of the Whole Meeting to approve the revisions to the Board By-Laws Policy (100.1), as amended.

APPROVED

6.2 **Occupational Health and Safety Policy (201.6)**

Director Cipriano, on behalf of Superintendent Rocca, presented feedback received from the vetting process and highlighted recommended amendments to the Occupational Health and Safety Policy (201.6) following the vetting process.

Following discussion, the Policy Committee recommended the following additional amendments:

- No amendment

Moved by Trustee Burkholder

THAT the Policy Committee recommend to the May Committee of the Whole Meeting to approve the revisions to the Occupational Health and Safety Policy (201.6), as presented.

APPROVED

6.3 Student Exclusion From School or Class Policy (NEW)

Lee Ann Forsyth-Sells, Superintendent of Education presented feedback received from the vetting process and highlighted recommended amendments to the Student Exclusion From School or Class Policy (NEW) following the vetting process.

Following discussion, the Policy Committee recommended the following additional amendments:

- No amendment

Moved by Trustee Huibers

THAT the Policy Committee recommend to the May Committee of the Whole Meeting to approve the revisions to the Student Exclusion From School or Class Policy (NEW), as presented.

APPROVED

GOVERNANCE POLICIES - PRIOR TO VETTING

6.4 Pupil Accommodation Review Policy (701.2)

Director Cipriano noted the Pupil Accommodation Review Policy (701.2) has been deferred to a later date.

6.5 Trustee Code of Conduct Policy (100.12)

Director Cipriano, presented the Trustee Code of Conduct Policy (100.12).

The Policy Committee suggested the following amendments:

- Page 7 – add “*The findings of the external investigation report shall be added to the minutes of the public portion of the meeting where the decision was made*”

The Policy Committee requested that the Trustee Code of Conduct Policy (100.12), be vetted from April 28, 2021 to May 19, 2021 with a recommended deadline for presentation to the Policy Committee in September, for consideration to the Committee of the Whole and Board in October.

INFORMATION

6.6 Governance Policies Currently Being Vetted

- Nil

6.7 Governance Policy Review 2020-2021 Schedule

Director Cipriano presented the Governance Policy Review 2020-2021 Schedule.

7. Date of Next Meeting

May 25, 2021 at 5:30 p.m.

8. Adjournment

The meeting adjourned at 5:59 p.m.

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
POLICY COMMITTEE MEETING
JUNE 15, 2021**

**TITLE: FOR RECOMMENDATION TO COMMITTEE OF THE WHOLE
TRUSTEE CODE OF CONDUCT POLICY (100.12)**

RECOMMENDATION

THAT the Policy Committee recommend to the Committee of the Whole approval of the Trustee Code of Conduct Policy (100.12), as presented.

Prepared by: Camillo Cipriano, Director of Education/Secretary-Treasurer
Presented by: Camillo Cipriano, Director of Education/Secretary-Treasurer
Date: June 15, 2021



Niagara Catholic District School Board
TRUSTEE CODE OF CONDUCT POLICY
 STATEMENT OF GOVERNANCE POLICY

100 – Board

Policy No 100.12

Adopted Date: November 23, 2010

Latest Reviewed/Revised Date: March 20, 2018

MISSION STATEMENT

In keeping with the Mission, Vision and Values of the Niagara Catholic District School Board (the “Board”), the Trustee Code of Conduct **Governance** Policy is in compliance with the Ontario *Education Act*, Regulations, other relevant legislation ~~and the Board’s Mission Statement~~. The Board, through the charisms of faith, social justice, support and leadership, nurtures an enriching Catholic learning community for all to reach their full potential and become living witnesses of Christ.

INTEGRITY AND DIGNITY OF OFFICE

The Niagara Catholic District School Board Trustee Code of Conduct **Policy (“Code of Conduct”)** governs individuals elected as a Trustee (“Trustees”) under ~~section 218 of the~~ *Education Act*.

Elected Catholic Trustees occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional and ethical manner, consistent with Gospel Values, **and** the teachings of the Catholic Church. To minimize risk and legal exposure to the Board and to protect a Trustee’s personal liability, Trustees must comply with the *Education Act* and Regulations, the *Municipal Freedom of Information and Protection of Privacy Act* and Regulations, the *Municipal Conflict of Interest Act*, the *Niagara Catholic District School Board’s By-Laws (100.1)* and Policies and Administrative Procedures and any other Act or Regulation that may be applicable to the Trustee’s duties.

Individual Trustees are committed to open and transparent communication with ~~its~~ **the Board’s** students, parents/guardians, employees, Catholic ratepayers and all educational partners through effective system and school-based communication procedures.

It is imperative that the Trustees act, and be seen to act, in the best interests of the public they serve. Catholic Trustees are elected to represent all stakeholders in the Board by articulating and supporting a shared commitment to excellence in Catholic education that promotes student achievement and well-being through the delivery of effective and appropriate education programs, services and effective stewardship of the Board’s resources.

Trustees are governors, advocates and community leaders. As governors, Trustees provide strategic direction and oversight through Board policies to maintain the focus on student achievement and well-being. As advocates, Trustees inform and influence public perceptions of Catholic education and provincial education law and policy. As community leaders, Catholic Trustees engage with the public they serve to build understanding, awareness, guidance and active support for publicly funded Catholic education.

In compliance with subsection 218.1 (f) of the *Education Act*, Trustees are statutorily required to entrust the day to day management of the Board to its staff through the Board’s Director of Education. ~~As outlined in Section 218.1 of the Education Act no individual or group of Trustees has the authority to give direction to staff.~~

In keeping with this statutory obligation, Trustees who are contacted by an employee of the Board with respect to an issue of employment, may listen to the concern, offer no judgement on the specifics of any concern presented and, if required, will facilitate in guiding the employee to the relevant Collective Agreement, Terms and Conditions or Board Policy. Trustees will bring information regarding the concern to the attention of the Director of Education.

Trustees who are contacted by a student, parent, guardian, constituent or supporter of Catholic education will listen to the concern, provide no judgement on the specifics of the concern presented, and if required, direct the individual to the Board's Complaint Resolution Policy or relevant Board Policy. Trustees will bring information regarding the concern to the attention of the Director of Education.

CATHOLIC FAITH, COMMUNITY AND CULTURE

Each Niagara Catholic District School Board Trustee shall, within the duties prescribed in the *Education Act*, its Regulations and other applicable legislation and reflecting a ministry within the Church:

- Acknowledge that Catholic schools are an expression of the teaching mission of the Church;
- Provide an example to the Catholic community that reflects the teaching of the Church;
- Provide the best possible Catholic education according to the programs approved by the Canadian Conference of Catholic Bishops and the Minister of Education;
- Recognize and rigorously defend the constitutional right of Catholic education and the democratic and corporate authority of the Board;
- Respect the confidentiality of the Board;
- Ensure the affairs of the Board are conducted with openness, justice and compassion;
- Work to improve personal knowledge of current Catholic educational research and practices;
- Affirm a strong sense of Christian Catholic community; and
- Provide support, encouragement and prayer for the efforts of all persons engaged in the ministry of Catholic education in Canada.

CIVIL BEHAVIOUR AND COMMUNICATION

Catholic Trustees share in the responsibility for creating a positive environment that is safe, harmonious, comfortable, inclusive and respectful. Trustees shall at all times act with decorum and shall be respectful of other Trustees, the Director of Education, staff, all members of the Niagara Catholic community, as well as the public. As stewards of the system, Catholic Trustees are held to a high standard of conduct and should serve as role models of exemplary behaviour reflective of the values articulated in the *Ontario Catholic School Graduate Expectations*.

Trustees must:

- Respect and comply with all applicable federal, provincial and municipal laws;
- Demonstrate honesty and integrity;
- Respect differences in people, their ideas, and their opinions;
- Treat one another with dignity and respect at all times, and especially when there is disagreement;
- Respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability; and
- Respect the rights of others.

Trustees shall be prepared for meetings, avoid disrupting the process and refrain from engaging in conduct or contributing to a tone of sarcasm or denigration during meetings of the Board and at all other times that would discredit or compromise the integrity of the Board.

In performing their duties as Trustees, and in all matters of communication including email, telephone and face-to-face or virtual meetings, respectful language and professionalism are expected.

The Trustees are bound to uphold and comply with all Board **Governance** Policies, **Administrative Operational Procedures** and protocols. Subject to the duty of a Trustee under subsection 218.1(e) of the *Education Act* to uphold the implementation of any Board resolution after it is passed by the Board, a Trustee may not make disparaging remarks about another Trustee or a group of Trustees in expressing comments, or disagreement or speculate on the motives of a Trustee, a group of Trustees, or Board staff. With the exception of the Chair of the Board and/or the Director of Education, no individual Trustee or group of Trustees has the authority to speak on behalf of the Board.

Any Trustee who fails or refuses to comply with the rules of the Board, uses offensive language, disobeys the decisions of the Chair or the Board on points of order, or makes any disorderly noise or disturbance may be ordered by the Chair to leave for the remainder of the meeting and, in the case of a refusal to do so, may, on the order of the Chair, be removed from the room where such meeting is taking place and/or the Board office. Such a removal will be recorded in the ~~Minutes~~ **minutes** of the meeting.

Subsection 207(3) of the *Education Act* addresses the exclusion of persons from Board Meetings. It provides:

“The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.”

COMPLYING WITH LEGISLATION

All Trustees will comply with the letter and spirit of all laws of Canada and the Province of Ontario and any contractual obligations of the Board in conducting the business of the Board.

Trustees acknowledge they may only act on behalf of the Board through resolution and may not act individually or purport to represent the interests of the Board without the knowledge and consent of the Board of Trustees shown through resolution.

Trustees shall ensure that all information they communicate in the course of their duties is accurate and complete.

It is every Trustee's responsibility to familiarize themselves with their duties and any requirements of them as prescribed by the *Education Act and Regulations*, the *Municipal Freedom of Information and Protection of Privacy Act and Regulations*, the *Municipal Conflict of Interest Act* and any other Act or Regulation that may be applicable to the Trustee's duties and/or Ministry of Education requirements and the *Niagara Catholic District School Board's By-Laws (100.1)*, Governance Policies and Administrative Operational Procedures.

All Trustees 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~~ **their** 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~~ **they are** is a member;
- c. consult with parents, students and supporters of the board on the ~~Board's~~ **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 ~~staff through Policies determined by the Board;~~
- e. uphold the implementation of any ~~Board~~ **board** resolution after it is passed by the ~~Board~~ **board**;

- f. entrust the day-to-day operations and management of the board to its staff through the board's director of education;
- g. maintain focus on student achievement and well-being; and
- h. comply with the board's code of conduct.

UPHOLDING DECISION

Trustees must understand their role as a corporate body and the expectation that they may deliberate with many voices but must act as one.

Trustees must:

- Accept that authority rests with the Board and that they have no individual authority other than that delegated by the Board;
- Uphold the implementation of any Board resolution after it is passed by the Board;
- Comply with *Niagara Catholic District School Board By-Laws (100.1)*, Policies and Administrative Procedures; and
- Refrain from speaking on behalf of the Board unless authorized to do so by the Board. The only official spokespersons for the Board are the Chair of the Board and the Director of Education.

AVOIDANCE OF PERSONAL ADVANTAGE AND CONFLICT OF INTEREST

Pecuniary Interests

All Trustees are expected to comply with the provisions of the *Municipal Conflict of Interest Act*, which requires that Trustees ~~declare and disclose the general nature of the~~ **their direct or indirect pecuniary interest for all direct and indirect pecuniary conflicts of interest and abstain from participating in related decisions in any matter that is the subject of consideration at a Board meeting, and abstain from participating in the discussion of the matter.**

Trustees are not permitted to vote on, ~~discuss,~~ or attempt **in any way, whether before, during or after the meeting,** to influence **the** voting on matters in which they have a direct or indirect pecuniary interest. **Pursuant to section 3 of the *Municipal Conflict of Interest Act*, the direct or indirect pecuniary interest of a parent, spouse or child is deemed to be the interest of the Trustee.** ~~Subsection 3(1) of the *Municipal Conflict of Interest Act* provides:~~ **is deemed to be the interest of the Trustee.**

“For the purpose of this Act, the pecuniary interest, direct or indirect, of a spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.”

~~Any direct or indirect financial interest on the part of the Trustee may raise a conflict of interest. A direct conflict of interest will arise where the Trustee himself or herself stands to benefit or suffer financially by a decision of the Board.~~

Trustees who disclose a pecuniary interest in accordance with the *Municipal Conflict of Interest Act* will be required to file a written statement with the Director of Education declaring their interest and including a description of its general nature. Pursuant to section 6.1 of that Act, the Board will be required to maintain a registry that may be accessed by members of the public, containing copies of (i) Trustees’ written statements declaring their interest; and (ii) corresponding meeting minutes. The Board will develop and maintain procedures for public access to the registry, including any reasonable limits on such access.

General Conflicts of Interest

Generally, where a Trustee, either on ~~his or her~~ **their** own behalf or while acting for, by, with or through another, ~~has any pecuniary interest, identifies a direct, or indirect, or any other deemed~~ conflict of interest in any matter and is present at a meeting of the Board at which the matter is the subject of consideration, the Trustee shall:

- Prior to any consideration of the matter of the meeting, disclose the interest and the general nature thereof;
- Not take part in the discussion of, or vote on any question in respect of the matter;
- Not discuss the issue with any other person;
- Not attempt in any way whether before, during or after the meeting to influence the voting on such question; and
- Where the meeting is not open to the public, the Trustee shall, in addition to complying with the requirements outlined above, leave the meeting or the part of the meeting during which the matter is under consideration.

Where the interest of the Trustee has not been disclosed by reason of the Trustee's absence from the meeting, the Trustee shall disclose the interest and otherwise comply with the above requirements at the first meeting of the Board attended by the Trustee, after the meeting referred to above.

When the meeting is open to the public, every declaration of interest and the general nature of that interest shall be recorded in the minutes of the Board meeting. When the meeting is not open to the public, every declaration of interest, but not the general nature of that interest, shall be recorded in the minutes of the next meeting of the Board that is open to the public.

It is an expectation of the Board that Trustees will comply with the provisions of the *Municipal Conflict of Interest Act* and avoid conflicts of interest as set out in this ~~Trustee Code of Conduct Policy~~. (~~"Code of Conduct"~~).

Every Trustee 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 Trustee has an affirmative duty to disclose such conflict when it becomes apparent.

No Trustee shall use ~~his or her~~ **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 Trustee shall uphold and enhance all Board business operations by:

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

A Trustee shall not use ~~his or her~~ **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 Trustee, or the interests of a relative, friend and/or business associate of the Trustee.

A Trustee must not participate in any decision or recommendation in which ~~he or she~~ **they** or a relative, friend or business associate may have a financial, commercial or business interest.

~~When the Board is to decide on an issue, at a meeting that is open to the public, about which a member has an unavoidable conflict of interest, that member shall not comment or vote on the issue or influence the voting on the issue either prior to, during or after the meeting and must leave the Board Room.~~

~~When the Board is to decide on an issue, at a meeting that is not open to the public, about which a member has an unavoidable conflict of interest, that member shall not comment or vote on the issue or influence the voting on the issue either prior to, during or after the meeting and must leave the Board Room.~~

LOBBYING

On occasion, lobbyists may attempt to communicate with Trustees for the purpose of influencing Trustees with respect to the procurement of goods and services and the awarding of contracts. Trustees must report such inquiries to the Director of Education forthwith. Trustees must not use their influence to gain or advance the interest of any particular party during a procurement process.

CONFIDENTIALITY

All Trustees 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, financial information, 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 Trustees and former Trustees agree not to use, directly or indirectly, for the Trustee's benefit or the benefit of any person, organization, firm, or other entity, or disclose to any third party the Board's proprietary or confidential information disclosed or entrusted to that Trustee, and Trustees recognize that such inappropriate use of confidential information for their benefit may constitute a breach of trust contrary to section 122 of the *Criminal Code* and this Code of Conduct.

The confidentiality of personal/educational student and family information received in the course of duties must be respected, protected and kept confidential. Trustees are required to keep all information received, including but not limited to, in-camera discussions and actions in complete confidence. Information received should not be discussed or reviewed in public or where another student, parent, employee or member of the school community or public could accidentally overhear or read such information.

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

Except as required by law, and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, all Trustees 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 Trustee.

A Trustee'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 ~~his or her~~ **their** term as Trustee.

BOARD RESOURCES

No Trustee shall use Board resources for personal gain. No Trustee shall permit relatives, friends and/or business associates to use Board resources for personal gain. Trustees recognize that such inappropriate use of Board resources, directly or indirectly, for their benefit may constitute a breach of trust contrary to section 122 of the *Criminal Code* and this Code of Conduct.

All Trustees shall fully comply with all Board Policies, Protocols, Procedures and Administrative Procedures regarding the use of Board resources, including information technology resources.

PROCEDURES FOR GIFTS AND HOSPITALITY

Although moderate hospitality is an accepted courtesy in business relationships, Trustees should not allow themselves to reach a perceived position whereby they might influence a Board decision as a consequence of accepting such hospitality. If there is uncertainty regarding what is considered an appropriate honoraria or hospitality to give or receive, the Trustee should discuss this with the Chair of the Board.

Trustees should not use their position for improper gain or benefit, nor under any circumstances accept gifts.

Gifts and donations, by any Trustee, to any groups or individuals will not be reimbursed.

Gifts and donations may be made on behalf of the Board of Trustees as a whole, if approved in advance by the Chair of the Board and the Director of Education.

**ENFORCEMENT OF CODE OF CONDUCT
AND MUNICIPAL CONFLICT OF INTEREST ACT**

A breach of this Code of Conduct by a Trustee may be dealt with by the following procedures:

~~Pursuant to section 218.3 of the *Education Act*, A Trustee or a supporter of Catholic education who is eligible to participate in the election of a Niagara Catholic trustee who has reasonable grounds to believe that a Trustee(s) has breached this Code of Conduct may bring the alleged breach, in writing, to the attention of the Board through the Chair of the Board, or the Vice-Chair, in the event that the alleged breach is with the Chair of the Board or the Chair of the Board is unavailable.~~

If a Trustee has reasonable grounds to believe that another Trustee has breached this Code of Conduct, ~~he or she~~ they must bring the alleged breach forward as soon as reasonably possible. The Board may choose not to deal with an alleged breach should the alleged breach come to the Board's attention after: (a) one year after the incident to which the alleged breach relates; or (b) if there are a series of incidents, after one year after the last in the series. A Trustee may apply to the Board for an extension of this time limit, and the Board may grant such an extension if the Board is satisfied that the delay in bringing the alleged breach forward was incurred in good faith and no substantial prejudice will result to any person affected by the delay.

If an alleged breach is brought to the attention of the Board, ~~the Board shall make inquiries into the matter.~~ the document setting out the breach together with any other materials will be provided to the Director of Education in the Director's role as Secretary to the Board. The Director of Education will place the matter in the Trustee and Director Only section of the next *In-Camera* Board Meeting.

At the *In-Camera* Board Meeting where the alleged breach of the Code of Conduct is presented, legal counsel to the Board will be present to advise the Board with respect to legal matters related to relevant legislation and the Code of Conduct process as set out in the Code of Conduct. In compliance with Sections 198 and 283.1 of the *Education Act*, for the Board to meet, the Director of Education will be present as Secretary to the Board to take minutes. All other staff who attend meetings of the Board will be excused from the Trustee and Director Only section of the *In-Camera* portion of the meeting of the Board where the Code of Conduct complaint is presented.

At the *In-Camera* meeting of the Board at which the alleged breach is presented, the Board will direct Board legal counsel to oversee an independent investigation conducted by an external investigator as selected by Board legal counsel. The results of the external investigation will be presented to the Board by Board legal counsel and the external investigator upon completion.

Based on the results of the external investigation, the Board will determine whether ~~there~~ the Trustee has ~~been a breach of~~ breached the Code of Conduct.

The findings of the external investigation report shall be added to the minutes of the public portion of the meeting where the decision was made.

If the Board determines that a Trustee has not breached the Code of Conduct, the Board may impose sanctions or consequences on the relevant individual(s), which includes a Trustee or Trustees, who have brought the complaint forward. The sanctions or consequences will be determined in consultation with Board legal counsel.

If the Board determines that a Trustee has breached the Code of Conduct, the Board may impose one or more of the following sanctions:

- Censure of the Trustee.
- Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
- Barring the Trustee from sitting on one or more committees of the Board, for the period of time specified by the Board.

A Trustee 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 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 Trustee.

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

The notice shall inform the Trustee that ~~he or she~~they may make written submissions to the Board in respect of the determination or sanction by the date specified in the notice, which date will be at least 14 days after the notice is received by the Trustee.

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

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

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

If a sanction is varied or revoked **by the Board**, the variation or revocation shall be deemed to be effective as of the date the original determination of the alleged breach was made by the Board.

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:

- The security of the property of the Board;
- The disclosure of intimate, personal or financial information in respect of a Trustee or committee **member**, an employee or prospective employee of the Board or a student or ~~his or her~~their parent or guardian;
- The acquisition or disposal of a school site;
- Decisions in respect of negotiations with employees of the Board; or
- Litigation affecting the Board.

The meeting of the Board shall be In-Camera (closed to the public) when the subject matter under consideration involves an ongoing investigation under the *Ombudsman Act* respecting the Board.

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

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

A Trustee who is alleged to have breached this Code of Conduct shall not vote on any of the resolutions listed above.

When a resolution listed above is passed, the resolution shall be recorded in the ~~Minutes~~ minutes of the meeting.

The *Statutory Powers Procedure Act* does not apply to any of the enforcement provisions under section 218.3 of the *Education Act*.

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

A Trustee who is subject to a Board inquiry to determine whether the Trustee has breached the Code of Conduct has a right to retain and be represented by legal counsel throughout the process.

In the event that a Trustee has been found to have not breached the Code of Conduct, all legal expenses for the Trustee involved in a Code of Conduct complaint will be reimbursed by the Board.

~~On May 30, 2017, the *Modernizing Ontario's Municipal Legislation Act, 2017* ("Bill 68") received royal assent. The provisions of Bill 68 amending the *Municipal Conflict of Interest Act* (the "Amendments") do not come into force until March 1, 2019.~~

~~Under the Amendments, Trustees who declare a conflict of interest in accordance with the *Municipal Conflict of Interest Act* will be required to file a written statement with the Secretary of the Board declaring their interest and including a description of its general nature. The Board will be required to maintain a registry that may be accessed by members of the public, containing copies of (i) Trustees' written statements declaring their interest; and (ii) corresponding meeting minutes. The Board will develop and maintain procedures for public access to the registry, including any reasonable limits on such access.~~

~~The Amendments also enable Trustees to consult municipal Integrity Commissioners for the purpose of ensuring compliance with the *Municipal Conflict of Interest Act*, and to mitigate any penalty imposed on a Trustee in the event of their later having been found to have acted in contravention of the Act. The Board will develop and maintain procedures to facilitate Trustees' consultation with municipal Integrity Commissioners, where appropriate.~~

~~The Board will comply with the requirements contained in the Amendments when these come into force.~~

References

- [*Criminal Code, Section 122*](#)
- [*Education Act, Subsection 207\(1\); Subsection 207\(3\); Section 218.1; Section 218.3*](#)
- [*Municipal Conflict of Interest Act, ~~Sub~~Section 3, Section 6.1\(~~H~~\)*](#)
- [*Municipal Freedom of Information and Protection of Privacy Act*](#)
- [*Ombudsman Act*](#)
- [*Ontario Catholic School Graduate Expectations*](#)

- *Niagara Catholic District School Board Policies/Procedures*
 - [*Board's By-Laws Policy \(100.1\)*](#)
 - [*Complaint Resolution Policy \(800.3\)*](#)
 - [*Trustee Expenses and Reimbursement Policy \(100.13\)*](#)
 - [*Trustee Honorarium Policy \(100.11\)*](#)
- *Terms and Conditions and Collective Agreements*

Adopted Date:	November 23, 2010
Revision History:	March 20, 2018

Board By-laws Policy (100.1)	Comments
	<p>I have just finished reading and thinking about the trustee policy. The good of any thing is found in its ability to accomplish what it was created for. To realize its purpose for existence as intended by its maker. The Trustee code of conduct policy provides the structure and resources needed to achieve excellence. A policy of principles to guide safe decisions and achieve healthy rational outcomes. Who writes these policies? My sincere admiration. I'm grateful for the opportunity to review and support these policies and develop a greater understanding on what is the good, the true and the beautiful of our catholic education.</p>
	<p>Generally, where a Trustee, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, identifies a direct, or indirect, or any other deemed conflict of interest</p> <p>"deemed"</p> <p>Are you leaving the "deemed" conflict up to the individual trustee, the rest of the board, or the director to decide?</p> <p>Just wondering.</p>
	<p>No feedback</p>
	<p>No feedback</p>
	<p>No comments or concerns.</p>
	<p>Review and restructure the entire policy as it is very repetitive!</p> <p>Should the policy not be broken down to a policy and administrative operational procedures like other policies?</p> <p>Code of Conduct throughout the policy should be identified, Trustee Code of Conduct, Board Code of Conduct, provincial Code of Conduct.....???</p> <p>On page 1, under the 2nd heading called Integrity and Dignity of Office, in the 3rd paragraph, remove the space (highlighted below)</p> <p>Individual Trustees are committed to open and transparent communication with its the Board's students, <i>parents/guardians,</i></p> <p>Should the word Board be capitalized each time it is referenced in this policy? It varies throughout the document – sometimes it is written with a lower case 'b', sometimes it is a capital 'B'</p>

In keeping with the Mission, Vision and Values of the Niagara Catholic District School Board (the "Board"), the Trustee Code of Conduct (add "Governance") Policy is in compliance with the Ontario Education Act, Regulations, other relevant legislation (~~and the Board's Mission Statement~~ -delete already stated)

Elected Catholic Trustees occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional and ethical manner, consistent with Gospel Values, (add "and") the teachings of the Catholic Church.

Do Catholic Trustees provide a pastoral reference?

~~Individual~~ (delete, not necessary) Trustees are committed to open and transparent communication with its students, parents/ guardians, employees, Catholic ratepayers and all educational partners through effective system and school based communication procedures.

CATHOLIC FAITH, COMMUNITY AND CULTURE

Each ~~Niagara Catholic District School Board~~ Trustee of the Board shall, within the duties prescribed in the Education Act, its Regulations and other applicable legislation and reflecting a ministry within the Church:

Make a decision throughout the policy: Is it Trustees or Catholic Trustees??

In performing their duties as Trustees, and in all matters of communication including email, telephone and face-to-face (add "virtual") meetings, respectful language and professionalism are expected

p. 3-The Trustees are bound to uphold and comply with all Board Governance Policies, Administrative Operational Procedures and protocols.

Complying with Legislation

Trustees(') not necessary) shall ensure that all information they communicate in the course of their duties is accurate and complete.

board or Board throughout the policy?

h) comply with the (Board Code of Conduct)

p.4 second last paragraph the word "at" is blue not black

We reserve the right to grieve.

Without precedent and prejudice.

STATEMENT OF GOVERNANCE POLICY

Housekeeping:

1. In the last paragraph on page 2, it lists matters of communication but does not include virtual meetings, unless face to face meetings include that format.
2. To continue to work on gender neutral language, search 'his or her' and replace with 'their'. He or she seems to have already been done.

This policy should align with the Education Act, Municipal Code of Conduct Act and Collective Agreements. While the Education Act and The Municipal Code of Conduct are quoted throughout the policy, the collective agreements are only referenced. The policy should align with the collective agreements.

In the 2016/17 round of bargaining, the union refused to give up the right to for communication between teachers and trustees. When trustees are committed to being open with their constituents, they includes teachers. We suggest removing this paragraph on page 2, "In keeping with this statutory obligation, Trustees who are contacted by an employee of the Board with respect to an issue of employment, may listen to the concern, offer no judgement on the specifics of any concern presented and, if required, will facilitate in guiding the employee to the relevant Collective Agreement, Terms and Conditions or Board Policy. Trustees will bring information regarding the concern to the attention of the Director of Education."

Furthermore, why would trustees restrict themselves from having a meaningful dialogue by abiding to this part of paragraph 2 on page 2, "Trustees who are contacted by a student, parent, guardian, constituent or supporter of Catholic education will listen to the concern, provide no judgement on the specifics of the concern presented."

The word "pecuniary" appears in front of the word "interest" on page 4, yet it doesn't on page 5. Should "pecuniary" be added in front of the word "interest" on page 5, in the fourth, fifth and sixth paragraphs?

The last paragraph on page 7 of this draft policy states:

The findings of the external investigation report shall be added to the minutes of the public portion of the meeting where the decision was made.

Shouldn't that occur only when it is certain there is no appeal and, if there is an appeal, the report should be released after any possible appeal process occurs?

On page 4, it is not clear what is a direct excerpt from the Municipal Conflict of Interest Act or why only specific parts of that Act are part of this policy. If the requirement of

	<p>trustees is to follow the Education Act and The Municipal Conflict of Interest, then why not have those guide the trustees and have it incumbent upon them to read and understand them. As a result, could this policy not just state that trustees are to abide by those two Acts?</p>
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**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
POLICY COMMITTEE MEETING
JUNE 15, 2021**

TITLE: POLICY REVIEW SCHEDULE

The Policy Review
Schedule is presented for information.

Prepared by: Camillo Cipriano, Director of Education/Secretary-Treasurer
Presented by: Camillo Cipriano, Director of Education/Secretary-Treasurer
Date: June 15, 2021



GOVERNANCE POLICY REVIEW SCHEDULE

SEPTEMBER 2020 - JUNE 2021

Updated: June 15, 2021

SORTED BY POLICY COMMITTEE MEETING DATE				
Policy Issued	Reviewed Revised	Policy #	POLICY NAME	Prior to Vetting
				After Vetting
2010	2015	100.10	Equity and Inclusive Education	September 2020
1998	2015	201.2	Retirement & Service Recognition Celebration	September 2020
2007	2015	800.4	Volunteer Recognition	September 2020
2013	2013	203.4	Leadership Pathways	October 2020
2001	2016	302.6.6	Dress Code - Secondary Uniform - Safe Schools	October 2020
2012	2016	302.6.10	Elementary Standardized Dress Code - Safe Schools	October 2020
2011	2016	800.7	Niagara Catholic Parent Involvement Committee & By-Laws	October 2020
2003	2019	302.6.8	Bullying Prevention and Intervention	January 2021
2001	2019	302.6.5	Student Expulsion	January 2021
2002	2020	201.7	Employee Workplace Harassment *	January 2021
2002	2020	201.11	Employee Workplace Violence *	January 2021
2009	2016	800.8.1	Accessibility Customer Service	January 2021
1997	2016	100.1	Board By-Laws	February 2021
2002	2020	201.6	Occupational Health & Safety *	February 2021
NEW	NEW	NEW	Student Exclusion From School or Class	February 2021
1998	2017	800.3	Complaint Resolution	March 2021
2003	2019	302.6.8	Bullying Prevention and Intervention	March 2021
2001	2019	302.6.5	Student Expulsion	March 2021
2002	2020	201.7	Employee Workplace Harassment *	March 2021
2002	2020	201.11	Employee Workplace Violence *	March 2021
2010	2018	100.12	Trustee Code of Conduct	April 2021
1997	2016	100.1	Board By-Laws	April 2021
2002	2020	201.6	Occupational Health & Safety *	April 2021
NEW	NEW	NEW	Student Exclusion From School or Class	April 2021
2010	2018	100.12	Trustee Code of Conduct	June 2021

* Ministry of Labour Compliance Annual Review

SORTED BY CW/BOARD MEETING DATE				
Policy Issued	Reviewed Revised	Policy #	POLICY NAME	CW/BD
2010	2015	100.10	Equity and Inclusive Education	October 2020
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2002	2020	201.11	Employee Workplace Violence *	April 2021
1997	2016	100.1	Board By-Laws	May 2021
2002	2020	201.6	Occupational Health & Safety *	May 2021
NEW	NEW	NEW	Student Exclusion From School or Class	May 2021
2010	2018	100.12	Trustee Code of Conduct	September 2021