



MINUTES OF THE SPECIAL BOARD MEETING

TUESDAY, MAY 11, 2021

Minutes of the Special Meeting of the Niagara Catholic District School Board, held electronically on Tuesday, May 11, 2021 at 8:15 p.m.

The meeting was called to order at 8:15 p.m. by Vice-Chair Moody for Chair Huibers.

A. ROUTINE MATTERS

1. Opening Prayer

Opening Prayer were led by Trustee Fera.

2. Roll Call

Vice-Chair Moody noted that Trustee Huibers was excused.

| Trustee | Present | Present Electronically | Absent | Excused |
|--------------------|----------------|-------------------------------|---------------|----------------|
| Rhianon Burkholder | | ✓ | | |
| Kathy Burtnik | | ✓ | | |
| Frank Fera | | ✓ | | |
| Larry Huibers | | | | ✓ |
| Daniel Moody | | ✓ | | |
| Leanne Prince | | ✓ | | |
| Dino Sicoli | | ✓ | | |
| Paul Turner | | ✓ | | |

The following staff were in attendance:

Camillo Cipriano, Director of Education; **Ted Farrell**, **Lee Ann Forsyth-Sells**, **Kimberly Kinney**, **Gino Pizzoferrato**, Superintendents of Education; **Giancarlo Vetrone**, Superintendent of Business & Financial Services; **Clark Euale**, Controller of Facilities Services; **Linda Marconi**, Executive Assistant – Director of Education.

3. Approval of the Agenda

Moved by Trustee Burtnik
Seconded by Trustee Prince

THAT the Niagara Catholic District School Board approve the Agenda of the Special Board Meeting of May 11, 2021, as presented.

CARRIED

4. Disclosure of Interest

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

B. BUSINESS IN CAMERA

Moved by Trustee Sicoli
Seconded by Trustee Prince

THAT the Niagara Catholic District School Board move into the In Camera Session.

CARRIED

The Niagara Catholic District School Board moved into the In Camera Session of the Special Board Meeting at 8:17 p.m. and reconvened at 9:50 p.m.

C. REPORT ON THE IN-CAMERA SESSION

Moved by Trustee Sicoli
Seconded by Trustee Prince

THAT the Niagara Catholic District School Board report the motions from the In Camera Session of the Special Board Meeting of May 11, 2021.

CARRIED

Trustee Burtnik put forth the following motion:

Moved by Trustee Burtnik
Seconded by Trustee Burkholder

THAT the Niagara Catholic District School Board support the appeal of Trustee Huibers and overturn the breach of the Trustee Code of Conduct.

A recorded vote was taken on the motion.

| NAME | YEA | NAY |
|--------------------|-----|-----|
| Rhianon Burkholder | ✓ | |
| Kathy Burtnik | ✓ | |
| Frank Fera | | ✓ |
| Daniel Moody | | ✓ |
| Leanne Prince | ✓ | |
| Dino Sicoli | | ✓ |
| Paul Turner | | ✓ |

DENIED

Trustee Sicoli put forth the following motion:

Moved by Trustee Sicoli
Seconded by Trustee Fera

THAT the Niagara Catholic District School Board support the confirmation that Trustee Huibers breached the Trustee Code of Conduct.

A recorded vote was taken on the motion.

| NAME | YEA | NAY |
|--------------------|-----|-----|
| Rhianon Burkholder | | ✓ |
| Kathy Burtnik | | ✓ |
| Frank Fera | ✓ | |
| Daniel Moody | ✓ | |
| Leanne Prince | | ✓ |
| Dino Sicoli | ✓ | |
| Paul Turner | ✓ | |

CARRIED

Trustee Prince put forth the following motion:

Moved by Trustee Prince
Seconded by Trustee Burtnik

THAT the Niagara Catholic District School Board publicly release the findings of the third party investigation into Trustee Huibers' Code of Conduct investigation.

A recorded vote was taken on the motion.

| NAME | YEA | NAY |
|--------------------|-----|-----|
| Rhianon Burkholder | ✓ | |
| Kathy Burtnik | ✓ | |
| Frank Fera | ✓ | |
| Daniel Moody | ✓ | |
| Leanne Prince | ✓ | |
| Dino Sicoli | ✓ | |
| Paul Turner | ✓ | |

CARRIED

Third party investigation report attached to minutes as Appendix A

Trustee Burtnik put forth the following motion:

Moved by Trustee Burtnik
Seconded by Trustee Burkholder

THAT the sanctions imposed at the last meeting of the Board in relation to Trustee Huibers' breach of code of conduct be revoked and that a letter of censure be administered.

A recorded vote was taken on the motion.

| NAME | YEA | NAY |
|--------------------|-----|-----|
| Rhianon Burkholder | ✓ | |
| Kathy Burtnik | ✓ | |
| Frank Fera | | ✓ |
| Daniel Moody | | ✓ |
| Leanne Prince | ✓ | |
| Dino Sicoli | | ✓ |
| Paul Turner | ✓ | |

CARRIED

D. MOMENT OF SILENT REFLECTION FOR LIFE

E. ADJOURNMENT

Moved by Trustee Prince

Seconded by Trustee Burkholder

THAT the May 11, 2021 Special Meeting of the Niagara Catholic District School Board be adjourned.

CARRIED

This meeting was adjourned at 10:00 p.m.

Minutes of the Special Meeting of the Niagara Catholic District School Board held on **May 11, 2021**.

Approved on the **June 8, 2021**.

Daniel Moody
Vice-Chair of the Board

Camillo Cipriano
Director of Education/Secretary -Treasurer



PRIVILEGED & CONFIDENTIAL

Report to:

Borden Ladner Gervais LLP

Per: Eric Roher, Partner

March 19, 2021

RE: Niagara Catholic District School Board Investigation

Prepared by:

Bruce M R Best
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1. Introduction and Mandate

On February 18, 2021, Eric Roher, legal counsel for the Niagara Catholic District School Board (“NCDSB,” or the “Board”), retained Rubin Thomlinson LLP to conduct an impartial investigation into allegations that Larry Huibers, Chair of the Board, had breached the Trustee Code of Conduct Policy (the “Policy”).

Mr Roher advised that he intended to rely on our investigation report in order to assist him in providing the Board with legal advice.

We were asked to make factual findings with respect to the allegations brought to the attention of the Board by two community members, and to determine whether Mr Huibers’ actions constituted a breach of the Policy.

In conducting the investigation, I interviewed the relevant parties, and reviewed the applicable legislation, policies, and guidelines to determine whether Mr Huibers was in breach of the Policy. I confirm that this investigation was carried out impartially and independently.

For the reasons below, I find that Mr Huibers has not breached the Policy.

2. Complaints under the Policy

Under the Policy, a complaint may be filed by a trustee, or a supporter of Catholic education who is eligible to vote in the election of a Niagara Catholic trustee.

Two complaints were made by members of the public pursuant to the Policy: the first on January 27, 2021, by [REDACTED], and a second on February 8, 2021, by [REDACTED]. Both confirmed with me that they were supporters of Catholic education eligible to vote in school board

trustee elections, and as such I determined that they were entitled to raise an alleged breach under the Policy.

3. Overview of the Allegations

The complainants both allege that the Chair of the Board, Larry Huibers, had breached the Policy by travelling out of the country in early January 2021.¹

Prior to meeting with Mr Huibers, I prepared and provided him with the following summary of the allegations, with reference to the specific language of the Policy:

In January 2021, the Chair of the Niagara Catholic District School Board, Larry Huibers, travelled outside of the country during the COVID-19 pandemic. Two complaints were filed with the Board, alleging that by taking this trip, Mr Huibers had ignored the rules in place respecting international travel, had demonstrated a lack of leadership, provided a poor example for Board employees and students, and had tainted the integrity and reputation of the Board.

The complaints alleged that Mr Huibers' conduct amounts to a breach of the Trustee Code of Conduct Policy, in particular that he failed to demonstrate the honesty and integrity required of his position, and failed to respect or comply with the letter and/or spirit of all applicable laws respecting international travel during the pandemic.

4. Conduct of the Investigation

The conduct obligations of a trustee under the Policy incorporate, by reference, compliance with the *Education Act*, RSO 1990 c. E.2 ("*Education*

¹ Appendix A – January 27, 2021, Email from ██████████ and Appendix B – February 8, 2021, Letter from ██████████.

Act") (in particular ss. 218.2-218.4), the regulations under the *Education Act*, the By-Laws of the Board,² and the *Ontario Catholic School Graduate Expectations (OCSGE)*.³ Some of these documents in turn make reference to other documents which provide guidance or direction on the responsibilities of trustees, and I also reviewed the NCDSB Vision 2020 Strategic Plan, the 2020 Director's Annual Report, the Ontario Catholic School Trustees' Association — Good Governance Guide,⁴ which provided further direction in determining the expectations placed on Catholic school board trustees.

I further reviewed relevant case law on the issue of honesty and integrity, and legal articles on the subject of international travel during the pandemic, as well as media reports respecting high profile individuals, particularly politicians, who engaged in international travel over the past year.

I interviewed the following individuals:⁵

- **March 3, 2021**, by telephone: ██████████, complainant, community member
- **March 5, 2021**, by video conference: Larry Huibers, respondent, Chair of the Board

² *Niagara Catholic District School Board's By-Laws (100.1)*.

³ See Institute for Catholic Education, <https://iceont.ca/resources/ontario-catholic-school-graduate-expectations/>, accessed March 18, 2021.

⁴ Ontario Catholic School Trustees' Association Good Governance Guide <https://www.ocsta.on.ca/oesc-good-governance-guide/>. See in particular Module #3 Roles and Responsibilities; #15 What Makes a Great Board Chair?; and #17 Developing a Code of Conduct.

⁵ In accordance with COVID-19 protocols, these interviews were not conducted in person. Though efforts were made to conduct interviews by video rather than telephone, for technical reasons this was not always feasible.

- **March 10, 2021, by telephone:** Camilio Cipriano, Director of Education for the Board
- **March 17, 2021, by telephone:** [REDACTED]
[REDACTED]

The second complainant, [REDACTED], declined to be interviewed, but filed a supplementary statement.⁶

5. The Evidence

a) [REDACTED]

The factual allegations from both complainants were essentially the same, that Mr Huibers travelled outside of Canada during the pandemic.

Neither complainant claimed to have any first-hand knowledge of the details or circumstances of Mr Huibers' trip. [REDACTED] indicated that [REDACTED] source of information about Mr Huibers' travel was what [REDACTED] had been told by others, respecting what those others had seen through social media. I specifically asked [REDACTED] if [REDACTED] was aware, as had been reported in local online newspapers, that Mr Huibers claimed this was not a leisure trip. [REDACTED] responded that [REDACTED] did not consider that to be an excuse, noting that many small businesses had had to close during the pandemic.

The complainants, in essence, took the position that the fact that Mr Huibers had travelled to the Caribbean was, regardless of the circumstances, sufficient to justify censure.

⁶ Appendix C – March 1, 2021, Supplementary Statement from [REDACTED]

b) Larry Huibers

Mr Huibers' regular employment is as Executive Director of the Housing Help Centre in Hamilton. He is also an avid sailor. His evidence was that he has been, for a number of years, the manager of a sailing team, Touch2Play Racing/Racing for a Cure, that participated in regattas in the Caribbean. The team had a 38' racing yacht, as well as a 45' catamaran used as accommodation and home base for the crew. The team was financed, and the boats were owned, [REDACTED].

Mr Huibers' said that, in March 2020, the team was in Saint Martin / Sint Maarten, a French/Dutch island in the Caribbean, for a regatta, when the COVID-19 global pandemic led to worldwide travel restrictions. As a result, the team and Mr Huibers were required to leave the island on short notice, leaving behind the boats, as well as personal and team equipment. Further races scheduled over the spring and summer were cancelled, and, due to the pandemic, the boats remained in Saint Martin / Sint Maarten. Mr Huibers, as manager, was the individual responsible for management of the boats and equipment.

In November 2020, when it became apparent that the 2021 regatta season would not proceed, [REDACTED] decided to sell the boats. [REDACTED] received an offer for the catamaran. In order to complete the sale, however, certain work had to be done to the boat. There was also the equipment and belongings that had been left behind in March 2020 when the pandemic restrictions were first imposed.

Mr Huibers indicated that there were restrictions in place for entry to Saint Martin / Sint Maarten which limited the option of travel prior to January 2021. In Ontario, the provincial government also implemented a province-

wide shutdown effective December 26, 2020, and announced more stringent measures, including a stay-at-home order to be effective January 14, 2021. Mr Huibers advised that he scheduled his trip to Saint Martin / Sint Maarten in the window between the lifting of travel restrictions to the island, and the stay-at-home order coming into effect in Ontario on January 14, 2021. He left on January 3, 2021, and returned on January 9, 2021, spending five days on Saint Martin / Sint Maarten.

Mr Huibers indicated that there were pandemic-related rules in place in Saint Martin / Sint Maarten which included him being required to take his temperature daily. He was also required to undergo a COVID-19 screening prior to returning to Canada, for which he tested negative. On his return to Ontario, he followed the requisite 14-days in quarantine.

Mr Huibers provided correspondence from ██████████ confirming ████████ responsibilities with the racing team, and confirming in particular that he was tasked with travelling to Saint Martin / Sint Maarten in January 2021 to prepare the catamaran for sale and to recover the equipment that had been left behind in March 2020.⁷

Mr Huibers provided correspondence from the Chair of the board of his employer, the Hamilton Housing Help Centre, confirming that he had also advised them of his trip.⁸

Mr Huibers also indicated that he had advised the Director of Education in December 2020 of his intention to travel in January. He also, in an informal discussion at the board meeting on December 17, 2020, indicated to the other trustees that he was planning on travelling south.

⁷ Appendix D – February 15, 2021, Letter from ██████████.

⁸ Appendix E – Undated Letter from P Greenberg.

c) Camillo Cipriano

Mr Cipriano is the Director of Education, and *ex officio* secretary to the Board.

He indicated that he knew Mr Huibers was involved with a sailing team, and that, prior to the pandemic, he had often travelled south for sailing events. He confirmed that, in early December, Mr Huibers told him of his plans to travel south. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr Cipriano also confirmed that there was an informal discussion amongst the trustees at the board meeting on December 17, 2020, respecting travel to the Caribbean, where Mr Huibers indicated he would be going south in January.

d) [REDACTED]

[REDACTED] confirmed the contents of the letter [REDACTED] had provided for Mr Huibers, including that Mr Huibers had been providing professional management to the sailing program for a number of years, and that his responsibilities included logistics, boat maintenance and safety.

████████ confirmed that in November 2020, when it was clear the 2021 racing season would not go ahead, ██████ decided to end the sailboat racing program and sell the boats. ██████ indicated that it was Mr Huibers' role as manager to address the logistics and to prepare the catamaran for sale, and specifically confirmed that this was the purpose of Mr Huibers' trip in January 2021.

6. Findings of Fact

When making findings of fact in this investigation, the standard of proof I have used is the balance of probabilities, which is the standard used in human rights and civil matters. Essentially, I have determined what is more likely than not to have occurred.

There is, as noted, no dispute that Mr Huibers travelled south in early January 2021.

Mr Huibers was the manager of a sailing team, which included responsibility for the boats and related equipment. I accept Mr Huibers' testimony, corroborated by ██████████, that this included the responsibility to prepare the catamaran for sale, and to recover the equipment that had been left behind in March 2020. The trip was necessary in order to complete the sale of the catamaran.

I also accept Mr Huibers testimony that he took the necessary precautions while travelling, and upon his return to Canada was in quarantine as required.

7. *Analysis*

The relevant provisions of the Policy⁹ are as follows:

Civil Behaviour and Communication

... 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;

...

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.

The “values articulated in the *Ontario Catholic School Graduate Expectations*” include guidance on being a “responsible citizen,” such as exercising the rights and responsibilities of Canadian citizenship, and contributing to the common good.¹⁰

⁹ Appendix F – NCDSB Trustee Code of Conduct Policy.

¹⁰ See note 3, OCSGE #7 “A Responsible Citizen.”

Based on the above, it is clear that Board trustees, and in particular the Chair, are expected to demonstrate a high standard of behaviour, both in their roles as trustees and as members of the community.

These provisions are broad statements of principle, rather than specific conduct requirements. In *Ford (Re)*, [2013 ONMIC 12](#) (CanLII), the then-City of Toronto Integrity Commissioner, now Justice Janet Lieper, described similar provisions in the City of Toronto Councillors Code of Conduct as "aspirational," which would not themselves be the foundation for a finding of a breach, but were used to assist in the interpretation of the specific provisions of the Code of Conduct to determine whether a breach had occurred.

The above provisions, as such, are not intended to be applied in isolation, but are rather to be taken into consideration in the broader assessment of whether specific conduct amounts to a breach.

a) Did Mr Huibers comply with the law?

The first question is whether Mr Huibers complied with applicable laws respecting international travel.

It is important to note that there was no actual “ban” on travel. The federal government, rather, put in place various rules respecting entry to Canada. At the time of his return from Saint Martin / Sint Maarten on January 9, 2021, the rules in place included providing a negative COVID-19 test prior to boarding an airplane for Canada, and remaining under quarantine for 14 days after arrival.¹¹

¹¹ Appendix G – Order in Council [PC Number 2021-0001](#), January 6, 2021, “Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations) (Excerpts).

As noted above, I accept that Mr Huibers followed these rules. There is no basis on which to conclude that Mr Huibers has contravened any law.

b) Did Mr Huibers demonstrate honesty and integrity, and comply with the spirit of the law?

The central issue in this matter is whether, by travelling to the Caribbean during the pandemic, Mr Huibers failed to demonstrate honesty, integrity, and respect for the spirit of the law. I will address each in turn.

i. Honesty

Mr Huibers was honest with respect to his plans to travel. He told the Director of Education in early December that he would be going. He told the Trustees of his trip at a board meeting on December 17, 2020. He cleared the trip with his employer.

When allegations of impropriety were raised in the media, he proactively provided information about the details of his trip, which were subsequently reported in further news articles.

I conclude that Mr Huibers demonstrated honesty in disclosing his intention to travel, and in his response to the media reports. He has not contravened the Policy obligation with respect to honesty.

ii. Integrity

The words "honesty and integrity" have been considered, often in tandem, in the realm of professional licensing (e.g., for doctors, lawyers, real estate agents, or liquor licence holders), and in the context of wrongful dismissal in employment. How these terms have been interpreted in these situations provides some guidance as to how they should be applied under the Policy.

In *Law Society of Upper Canada v Hennessey*, [2008 ONLSHP 35](#) (CanLII), the Law Society Tribunal considered what was meant by integrity, at paras 22-24:

What constitutes integrity? In the Panel's view integrity is a person's uncompromising commitment to our society's cultural norms – its ethical and moral standards. These, of course, include honesty and fair dealing but they are more than that. They include a compassionate understanding of the effect of one's conduct on others.

Where the Panel finds that the member has failed to act with integrity in the context of this case it means that the member, in failing to provide the standards of service required of a competent lawyer, has done so with a callous disregard for the effect that such failure had or might have had on the persons concerned.

The member has termed this as recklessness on his part. The Panel believes that callousness goes beyond that. Recklessness says the member took a risk and must suffer the consequences. It is the effect of the recklessness on him. Callous disregard is the effect on others.

In *Law Society of Upper Canada v Farkas*, [2017 ONLSTH 75](#) (CanLII), the Law Society Tribunal also noted, at para 18, that there is a distinction between a lack of integrity and poor judgment or lack of professional competence.

A similar approach has been taken in employment law. In *Cavic v Costco Wholesale Canada Limited*, [2012 ONSC 5307](#) (CanLII), at para 44, the court suggested that the conduct in question would have to go beyond poor judgment in considering whether the termination of a manager for cause was justified based on the obligations to demonstrate honesty, integrity, and to lead by example.

These references are not to suggest that Mr Huibers' decision to travel should necessarily be considered poor judgment; rather, the point is that integrity means something more.

In the circumstances of this case, I do not see that Mr Huibers having taken the trip can be considered a failure to demonstrate integrity. He had an obligation to the sailing program as its manager, which he met, and he made the necessary plans and took the necessary and required precautions to minimize the risk that his trip would contribute to the spread of COVID-19. Rather than disregarding the impact of his actions on others, he took the appropriate steps to minimize the impact.

iii. Respect for the Spirit of the Law

The issue of integrity is also closely related to respect for the spirit of the law.

As has been observed by some legal commentators,¹² the fact that the federal government's approach to travel is based on testing and quarantine, rather than through a travel ban, may be due to the fact that the ability to leave and re-enter Canada is a constitutional right under s. 6(1)¹³ of the *Canadian Charter of Rights and Freedoms*.

The fact that it is a *Charter* right, however, does not mean that travelling outside the country is by definition beyond reproach, any more than the *Charter* protections respecting freedom of expression mean an individual in

¹² See, for example, Omar Ha-Redeye, "Defining Essential Travel During the Pandemic," [Slaw.ca](#), January 3, 2021, and Patricia Hughes, "The Federal Travel Requirements: Musing about Constitutional Questions," [Slaw.ca](#), February 2, 2021.

¹³ Section 6(1) of the *Charter* reads:

Every citizen of Canada has the right to enter, remain in and leave Canada.

a public position can use whatever racist or derogatory language they want without consequence. See *Ford (Re)*, [2015 ONMIC 1](#) (CanLII).

The spirit of the rules respecting travel are that there is a common good in taking appropriate measures to control of the spread of COVID-19. The rules and advisories recommend against unnecessary travel, but also recognize that some travel will be necessary, in which case additional precautions must be followed. These may be considered our current “cultural norms” respecting the pandemic, to which integrity would expect “uncompromising commitment”, based on *Law Society of Upper Canada v Hennessey*, above.

I have accepted that it was necessary to travel to Saint Martin / Sint Maarten to address the unique circumstances of the sailing team, and the sale of the boat. As manager of the team, the specific responsibility for those matters lay with Mr Huibers. He made appropriate arrangements, including a relatively short time abroad, to work within the limitations imposed both by the Canadian and Ontario governments, and by the authorities in Saint Martin / Sint Maarten. His approach and actions were reasonable in the circumstances.

I find, as such, that Mr Huibers acted with honesty, integrity, and with respect for the letter and spirit of the legal restrictions in place to address the COVID-19 pandemic when he travelled outside of Canada in January 2021.

c) Comparison with other public figures

I also note that the complaints pointed to other public figures who have been called out for international travel during the pandemic, including the Ontario Minister of Finance, the CEOs of hospitals in Niagara/Hamilton

and London, and the Oakville Chief of Police. There are, of course, other examples. Any consequences or sanctions imposed on those individuals, however, will have arisen in the context of their particular positions, and may well have involved factors beyond whether their conduct was in breach of any code of conduct.

It is, in my view, not appropriate to draw any conclusions or make any findings in the present case based on how other cases of international travel have been addressed.

8. Conclusion

Based on the above, I conclude that Mr Huibers travel in early January 2021 did not contravene the Policy.

Date: March 19, 2021



Per: Bruce M R Best
RUBIN THOMLINSON LLP

APPENDIX A

From: [REDACTED]

Sent: Wednesday, January 27, 2021 4:15 PM

To: Cipriano, Camillo [REDACTED]

Cc: Burtnik, Kathy <kburtnik@cogeco.ca>; Prince, Leanne <leanneprince02@gmail.com>; Fera, Frank <frankfera4@gmail.com>; Moody, Daniel <moots91@gmail.com>; Turner, Paul <paulturnernd@hotmail.com>; Huibers, Larry <LarryHuibersTrustee@gmail.com>; Burkholder, Rhianon <rhianon.burkholder@gmail.com>; Sicoli, Dino <dpsicoli@bell.net>

Subject: guidelines and protocols

Dear Director & Secretary Treasurer Cipriano:

I am writing to you in regards to the Ontario State of Emergency Act, 7.0.1 (1) of the Emergency Management and Civil Protection Act (EMPCA), as it relates to the non-essential travel for all citizens of this province.

Allow me to prelude by saying that I am very impressed and humbled by the hard work and safety efforts put forth by the NCDSB employees and most of the trustees, under your leadership. For the most part, it is great to see the NCDSB leadership team leading by example and adhering to travel restrictions put in place.

Having yourself, the trustees and superintendents abide by government measures, by cancelling plans for travelling abroad over the Christmas and New Year holidays, is truly an example of integrity, humility and our Catholic faith.

Director Cipriano, I write to you in particular, regarding unfortunate recent information which has come to light and is being talked about amongst parents, teachers and even some students within our board. It is my understanding that the current chair of the NCDCB, Trustee Larry Huibers, selfishly left the country to leisurely vacation abroad, showing a shameless disregard to the direction put forth by our government to protect our communities. His actions are unfortunate as they paint a negative light on the NCDSB leadership and provide a very poor example for the vast number of board employees and thousands of students who look to the trustees for direction and confidence. Chair Huiber's hapless and unpropitious actions have set a very poor precedent for the board trustees and the position of the chair in particular, as he neglected to fulfill his responsibility in prioritizing the health and safety of our community.

I respectfully bring to your attention that a number of civil servants, politicians and community leaders have done this very same thing and have either resigned from their position or have been let go due to the public outcry. While public health officials pleaded with Canadians to remain home as COVID-19 cases surged, the following individuals believed that they were above this and chose to travel on their vacations. The mayor of Oakville was removed by the Police Board, in addition, MPP Rod Phillips, MP's David Sweet and Kamal Khera, as well as our NHS CEO and Board of Directors member, Dr. Thomas Stewart have all been either let go or took the honourable route of resigning.


I am calling on the Trustees of the Niagara Catholic District School Board to act responsibly, and hold to account Chair and Trustee Larry Huibers, for his very irresponsible and selfish actions. A precedent must be set to hold to account the elected representatives of our board for any and all actions that either break the law or tarnish the integrity and reputation of our Catholic school board. Trustee Huibers should do what is honourable and step down as Trustee; at the very least he should resign as board chair. Our Premier Doug Ford had set precedent amongst his team by showing a zero-tolerance policy for those who did the same.

I thank-you for your time and attention to this important matter.

Sincerely,


████████████████████

APPENDIX B



February 8, 2021

Niagara Catholic District School Board Trustees and Director of Education,

I am writing to you regarding information that came to my attention concerning Larry Huibers, Chair of the Board as he left the country during the pandemic  I am bringing this to the attention of all Niagara Catholic School Board Trustees for investigation. I believe he is in violation of the Trustee Code of Conduct Policy. He failed to demonstrate honesty, and integrity. He refused to abide with the Federal, Provincial, Municipal laws and public health guidelines.

You will recall how Premier Ford dealt with the members of his government that left the country during the pandemic. He immediately requested their resignation and dismissed them from their assignment without any excuses or special clauses.

I am calling on the Trustees of Niagara Catholic to do the right thing and request his resignation as Chair, and call on the Minister of Education to remove him as a Trustee, if he does not resign willingly.

The Minister of Education in a recent public announcement reinforced the stay-at-home rules to assist in controlling the pandemic. Obviously, Trustee Huibers believes that emergency rules apply to everyone but himself - a true lack of respect and leadership. This is a deplorable and irresponsible behaviour.

Please inform me on how you are going to proceed with this investigation.

Sincerely,



APPENDIX C

March 1, 2021

As a follow-up to our initial correspondence here is my personal statement regarding Chair Larry Huibers:



During this pandemic I have been passionate about following government restrictions and expect others to follow as well. My family, friends and I have been diligent in observing government laws because it is the proper thing to do morally and ethically. When others do not follow the restrictions their behaviour may be risking the health of others. I have written emails to Premier Ford and had conversations with Wayne Gates, MPP regarding the lack of respect for rules exhibited by tourists and business owners in Niagara Falls. Their blatant lack of respect for stay at home orders by the Provincial government during a pandemic is deplorable. Those actions should have consequences.

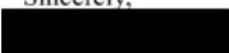
We are all feeling COVID fatigue but we must follow the advice of the Physicians and government officials.



Rules are made to protect everyone and as responsible citizens we must follow them for the greater good. A position of leadership must include the qualities of integrity and honesty to gain the trust and respect of those people they are serving.

I confirm that I am a strong supporter of Catholic Education and am eligible to participate in the election of a Niagara Catholic trustee.

Sincerely,



APPENDIX D

PRIVATE & CONFIDENTIAL

Date: February 15, 2021

To Whom It May Concern:

Subject: Larry Huibers – Contract Project Manager – Sailboat Racing Team

Overview

Larry Huibers has provided professional project management to our sailboat racing program for the past 7 years, 5 of which have been in the Caribbean. In his role Larry manages the logistics, crew recruitment and retention, regatta registration and management, public relations and boat management. The program operates a 38' racing yacht and a 45' catamaran for crew accommodations and as a base of operation.

The boats winter in the Caribbean.

Duties

Larry's duties encompass the following:

- i. Crew recruitment and scheduling.
- ii. Event coordination.
- iii. Maintaining the safety requirements and preventative maintenance schedule for both boats.
- iv. Coordinating the logistics of moving the vessels between various countries (covering hundreds of miles of ocean) with various entry requirements.

COVID Impact

When COVID hit in March 2020, Larry wrapped up our sailing activities in the Caribbean. Like the rest of the world, I hoped it would be resolved quickly. Due to locked borders, our boats were stranded in St. Marten throughout the hurricane season of summer and fall. No one was able to retrieve personal and team equipment from the boats due to the lock down.

In November, when it became apparent that the 2021 racing season was in jeopardy, I decided to cancel the program and divest the assets. Larry, in his role as manager, was given the task of closing the program down and preparing the boat for sale. It required travel outside of Canada. Larry carried out these activities between January 4 – 9, 2021.

Based on my knowledge of Larry Huibers, I am confident that he conducted himself with the highest level of professionalism and safety during this time.

Yours Truly



APPENDIX E

As Chair of the Housing Help Centre Board of Directors, I would like to make the following comment regarding the January traveling of Larry Huibers, Executive Director of the Housing Help Centre.

As Board Chair, I was aware of the travel arrangements of Larry Huibers in the first week of January 2021. The travel was not for a vacation but to attend to contracted work for another employer.

Larry Huibers is an honest individual. He is a man of integrity who has always maintained the safety and wellbeing of the Agency and community we service to the highest standards.

The Board of Directors recognizes the excellent work that Larry Huibers has done in the past for our community and he continues to receive our full support.

Truly,

Peter Greenberg,

Board Chair

APPENDIX F



Niagara Catholic District School Board
TRUSTEE CODE OF CONDUCT POLICY
STATEMENT OF 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 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 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, 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 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 meetings, respectful language and professionalism are expected.

The Trustees are bound to uphold and comply with all Board Policies, 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 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)*, Policies and Administrative 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 responsibilities in a manner that assists the board in fulfilling its duties under this Act, the regulations and the guidelines issued under this Act, including but not limited to the board's duties under section 169.1;
- b. attend and participate in meetings of the board, including meetings of board committees of which he or she is a member;
- c. consult with parents, students and supporters of the board on the Board's multi-year plan under clause 169.1 (1) (f);
- d. bring concerns of parents, students and supporters of the board to the attention of board staff through Policies determined by the Board;
- e. uphold the implementation of any Board resolution after it is passed by the 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

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 interest for all direct and indirect pecuniary conflicts of interest and abstain from participating in related decisions.

Trustees are not permitted to vote on, discuss, or attempt to influence voting on matters in which they have a direct or indirect pecuniary interest. 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:

“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.

Where a Trustee, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, or any other 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 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 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 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 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:

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 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 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 has been a breach of the Code of Conduct.

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 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, 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, an employee or prospective employee of the Board or a student or his or her 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 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, Subsection 3\(1\)*](#)
- [*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 \(100.1\)*](#)
 - [*Complaint Resolution Policy \(800.3\)*](#)
 - [*Trustee Expenses and Reimbursement Policy \(100.13\)*](#)
 - [*Trustee Honorarium Policy \(100.11\)*](#)
- ***Terms and Conditions and Collective Agreements***

APPENDIX G



PC Number: 2021-0001

Date: 2021-01-06

Whereas the Governor in Council is of the opinion, based on the declaration of a pandemic by the World Health Organization, that there is an outbreak of a communicable disease, namely coronavirus disease 2019 (COVID-19), in the majority of foreign countries;

Whereas the Governor in Council is of the opinion that the introduction or spread of the disease would pose an imminent and severe risk to public health in Canada;

Whereas the Governor in Council is of the opinion that the entry of persons into Canada who have recently been in a foreign country may introduce or contribute to the spread of the disease in Canada or new variants of the virus causing COVID-19 that pose risks that differ from those posed by other variants but that are equivalent or more serious;

And whereas the Governor in Council is of the opinion that no reasonable alternatives to prevent the introduction or spread of the disease are available;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to section 58 of the *Quarantine Act*, makes the annexed *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)*.

...

Entering by aircraft — COVID-19 molecular test and quarantine plan

(3) Subject to subsection (4), every person who enters Canada by aircraft must meet the following requirements:

(a) before boarding the aircraft for the flight to Canada, they must:

(i) if the person is five years of age or older, provide to the aircraft operator evidence containing the following elements that they received a negative result

for a COVID-19 molecular test that was performed on a specimen that was collected no more than 72 hours, or no more than another period under any other provision of the *Aeronautics Act*, before the aircraft's initial scheduled departure time:

- (A) the person's name and date of birth,
- (B) the name and civic address of the laboratory that administered the test,
- (C) the date the specimen was collected and the test method used, and
- (D) the test results,

(ii) provide to the Minister of Health a quarantine plan that includes, among other things, the civic address of the place where they plan to quarantine themselves during the 14-day period that begins on the day on which they enter Canada and their contact information for that period, and

(iii) provide the quarantine plan by electronic means specified by the Minister of Health, unless they are in a class of persons who, as determined by the Minister of Health, are unable to submit their quarantine plans by electronic means for a reason such as a disability, inadequate infrastructure, a service disruption or a natural disaster, in which case the quarantine plan may be provided in a form and manner and at a time specified by the Minister of Health; and

(b) they must retain the evidence referred to in subparagraph (a)(i) for the 14-day period that begins on the day on which they enter Canada.

...

Day order is made

18 This Order comes into force at 11:59:59 p.m. Eastern Standard Time on January 6, 2021.