

DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD
BOARD POLICY / REGULATIONS

Board Policy Number: 1.02
Subject: Code of Conduct - Trustees
Effective Date: (257) April 27, 2004

The Members of the Dufferin-Peel Catholic District School Board of Trustees occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional, impartial and Catholic manner.

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

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

This Code of Conduct and accompanying Regulation is applicable to all Members of the Board of Trustees.

1. Conflict of Interest

All Trustees are expected to comply with the *Municipal Conflict of Interest Act*, R.S.O., 1990, c.M-50 provisions, attached as Appendix A, which requires that Trustees declare a conflict of interest for all direct and indirect pecuniary conflicts of interest and abstain from making a decision.

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

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

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

Every Trustee is responsible and accountable for exercising good judgement 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 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:

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

A Trustee shall not use their position, authority or influence to give any person or organization special treatment that might, or might be perceived to, advance the interests of the 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 they or a relative, friend or business associate may have a financial, commercial or business interest.

All Trustees shall disclose a conflict of interest or potential conflict of interest to the Board of Trustees.

2. Complying with the Law

All Trustees will and will be seen to comply with the letter and spirit of all of the laws of Canada and the Province of Ontario and any contractual obligations of the Board.

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

It is every Trustee's responsibility to 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 and the *Municipal Conflict of Interest Act* and any other Act or Regulation that may be applicable to the Trustee's duties from time to time.

3. Confidentiality

All Trustees acknowledge that as part of their duties to the Board they may be privy to private and confidential 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. Such information may include, but is not limited to, information relating to the Board's organizational structure, operations, business plans, technical projects, business costs, research data results, inventions, trade secrets or other work produced, developed by or for the Board.

Except as required by law, all Trustees and former Trustees agree not to use, directly or indirectly, for the Trustee's benefit or for the benefit of any person, organization, firm, or other entity, the Board's propriety 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 criminal breach of trust contrary to s.122 of the *Criminal Code* (Canada).

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 such 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.

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A Trustee's duty of confidentiality with respect to private and confidential financial, business and/or commercial information, personnel information and student information survives their term as Trustee.

4. 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 criminal breach of trust contrary to s.122 of the *Criminal Code* (Canada).

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

REGULATIONS

1.02 CODE OF CONDUCT – TRUSTEES

In applying the precepts noted in the Policy, all Trustees shall follow the regulations set out below.

A. Declaration of Interest

Where a conflict of interest arises, or when a potential conflict of interest emerges, the Trustee has a duty to inform the Board of Trustees that such a conflict exists and that they cannot participate in any decisions of the Board with respect to such issue. Further, the Trustee shall not discuss the issue with which they have a conflict with any Trustees, nor will the Trustee remain in the room when the issue is discussed during an in-camera meeting of the Committee of the Whole Board of Trustees.

Any personal interest that may impinge or might reasonably be deemed by others to impinge on a Trustee's impartiality or judgement in any matter relevant to their duties should be declared to the Board of Trustees and that Trustee should absent themselves from participating in any decisions related to such issue.

B. Confidentiality and Accuracy of Business/Corporate Information

The confidentiality of business/corporate information received in the course of duties must be respected and should not be used for personal gain. Information given in the course of fulfilling duties should be true and fair and not designed to mislead. For example, it is considered unethical and damaging to the Board's reputation to allow vendor's proprietary/ confidential information to pass to another vendor, potential vendor or any person with a financial interest in the information, whether potential or actual, direct, or indirect.

The confidentiality of personal/educational student and family information received in the course of duties must be respected, protected and kept confidential. Information received should not be discussed or reviewed in public or where another student, parent or member of the school community could accidentally overhear or read such information.

The confidentiality of personal/ employment and family information about Board employees must be respected, protected and kept confidential. Information received should not be discussed or reviewed in public or where another employee or member of the public could accidentally overhear or read such information.

C. Hospitality and Gifts

Moderate hospitality and gifts are an accepted courtesy of a business relationship. However, the recipients should not allow themselves to reach a position where by they might be influenced in making a business decision as a consequence of accepting such hospitality.

(i) **Offering or Accepting Gifts and Hospitality**

Although the exchange of common courtesies, such as the occasional gift or meal of nominal value is recognized as acceptable business practice, there is a danger in offering or accepting hospitality, gifts, gratuities or favours that could be mistaken for improper payment.

Trustees should not use their position for improper gain, nor under an circumstances accept gifts of cash, bonds, securities, personal loans, airline tickets, use of a vacation property or costly entertainment.

(ii) **Conditions for Accepting Gifts and Hospitality**

A Trustee may accept the hospitality of another or gift from another, in the course of the professional relationship, if:

1. A Trustee believes that the donor is not trying to obligate them, or improperly influence a decision;
2. It is “normal business practice” for the purposes of courtesy and good business relations; and
3. Acceptance is legal and consistent with generally accepted ethical standards.

(iii) **Examples of Acceptable Gifts**

Examples of acceptable gifts include:

1. Holiday gifts, such as fruit baskets or candy
2. Inexpensive advertising and promotional materials (e.g. Give-a-ways, such as pens or key chains).
3. Inexpensive awards to recognize service and accomplishment in civic, charitable, educational or religious organizations (such as nominal gift certificates to book stores).

(iv) **Gifts of Considerable Value**

Where it would be extraordinarily impolite or otherwise inappropriate to refuse a gift of obvious value, the gift may be accepted on behalf of the Board. As noted under (viii) Reporting Gifts, report the gift. Such gifts may not be taken for the *employee's* home use or enjoyment. *Employees* might ask themselves if public knowledge of the gift would cause personal embarrassment or embarrassment to the Board. If there is still uncertainty regarding what is considered an appropriate gift to give or receive, this should be discussed with the Supervisory Officer, Associate Director, Director or Chair of the Board, as appropriate.

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(v) **Reporting Gifts & Hospitality**

Trustees must notify the Chair by e-mail and the Chair must notify the Vice-Chair of any gifts and hospitality received including meals, over \$200.00. (A distinction could be made between hospitality and gifts, or there can be discretion with respect to the amount, rather than a set amount).

All forms (which are available from the office of the Director) will be retained in the Office of the Chief Executive Officer and Secretary to the Board.