Board Member (Trustee) Code of Conduct

1.0 Purpose and Application

1.1 The *Education Act* and the regulations thereunder mandate that school boards adopt a code of conduct that applies to Board members.

1.2 Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the Provincial government. The conduct of the members of the Board of Trustees must be of the highest standard to maintain the confidence of the public.

1.3 This Code of Conduct meets the Board's statutory obligations and supports the Board's commitment to meeting high standards of conduct by Trustees.

1.4 This Code of Conduct applies to all members of the Board of Trustees. It applies to members of the Board of Trustees from the date the Declaration is filed under section 209(1) of the *Education Act* and only while they hold the office. Conduct of a Trustee outside of this timeframe is not subject to sanction under this Code of Conduct.

1.5 The *Selection, Appointment and Jurisdiction of the Integrity Commissioner* together with the *Complaints Protocol* are attached at Appendix 1 and 2 respectively.

2.0 Objective

2.1 To establish governing principles and standards for accepted behavior by members of the Board of Trustees, including the Chair of the Board.

3.0 Responsibility

3.1 The Board of Trustees, the DDSB's Integrity Commissioner and the Director of Education.

4.0 Application and Scope

4.1 This Code of Conduct applies to all members of the Board of Trustees.

5.0 Definitions

Board means the Durham District School Board, also referred to as the DDSB, a statutory corporation under section 58.5 of the Education Act.

Discrimination means discriminatory behaviour as defined by the DDSB Workplace Violence and Harassment Prevention policies and the Ontario Human Rights Code.

Harassment means harassing behaviour as defined by the DDSB Workplace Violence and Harassment Prevention policies, the Occupational Health and Safety Act, Ontario, and as recognized in the Ontario Human Rights Code.

Integrity Commissioner means the Integrity Commissioner duly appointed by the Board of Trustees.

Members (also referred to as Trustees) are the members of the Board of Trustees of the DDSB.

Official Business means duties and responsibilities of Trustees as set out in the *Education Act* and further delineated in the Board's Consolidated Bylaws and Policies.

Unless specified otherwise, *staff* means any employee of the Durham District School Board.

Trustee's office or *office* means the authority and public duties attached to the position of being a Trustee.

6.0 Code of Conduct

6.1 Transparency, accountability, and public confidence are fundamental components for the effective governance of school boards as public bodies responsible to their communities and to the Provincial government. The conduct of the members of the Board of Trustees must be of the highest standard to maintain the confidence of the public. Trustees shall carry out their duties in a non-partisan manner, including during election periods, and in a way that upholds public trust and the integrity of Board governance.

6.2 This Board Member Code of Conduct ("Code of Conduct") represents the Board's commitment to meeting high standards of conduct.

Integrity and Dignity of Office - Principles

6.3 Trustees shall discharge their duties, as set out in the *Education Act*, loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

6.4 Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner at all times, and especially when attending Board events or while on Board property.

6.5 Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to any person, including Board staff or fellow Board members.

6.6 No Trustee shall engage in conduct during meetings of the Board or Committees of the Board, and at all other times, that would discredit or compromise the integrity of the Trustee, any other Trustee, or the Board.

6.7 A Trustee shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board.

6.8 Trustees shall serve and be seen to serve in a constructive, respectful, conscientious and diligent manner.

6.9 Trustees shall be committed to performing their functions with integrity and shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.

6.10 Trustees are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence.

6.11 Trustees shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the Bylaws and policies of the Board.

6.12 Trustees agree to the common understanding that individual Trustees will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual Trustee which is not available to every other individual. Allowable activities include those activities that are reasonably related to a Trustee's Office, taking into consideration the different interests and the diverse profiles of their wards/communities.

6.13 Trustees recognize that their Oath of Office binds them to the provisions of the *Municipal Conflict of Interest Act* (MCIA).

Confidential Information

6.14 Confidential Information includes,

(a) Information in the custody and/or control of the DDSB that is subject to the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) or other legislation, including, but not limited to personal information of staff and students, third party corporate, commercial, scientific, or technical information, solicitor-client or litigation privileged information;
(b) Information in respect of litigation or potential litigation affecting the Board, and information that is subject to solicitor-client privilege;
(c) Information discussed during closed session pursuant to section 207 of the *Education Act*;
(d) Intimate, personal or financial information of a Trustee, staff member or prospective staff member, student, parent or guardian;
(e) The acquisition or disposal of the Board's real property, including a school site; and,
(f) Information in respect of negotiations with staff members.

6.15 No Trustee shall disclose or release, to anyone, by any means, any Confidential Information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by the Board to do so. This is a continuous obligation that extends beyond the Trustee's term of office.

6.16 No Trustee shall use Confidential Information that would be detrimental to the interests of the board or for the purpose of personal gain or for the gain of the member's parent, spouse or child.

6.17 Trustees should not access or attempt to gain access to Confidential Information in the custody of the Board unless it is necessary for the performance of their duties and not prohibited by Board policy. It is understood that any staff providing access to any such Confidential Information may share it with other Trustees, as may be appropriate in the circumstances.

6.18 Under the Board's Consolidated Bylaws, a matter that has been discussed by any committee of the Board, including a committee of the whole board, in closed session in accordance with section 207(2) or 207(2.1) of the *Education Act* is confidential. Trustees shall not disclose the content of any such matter, or the substance of deliberations, of the closed session unless and until, and only to the extent that, the Board of Trustees discusses the information at a meeting that is open to the public or releases the information to the public or the Board of Trustees otherwise gives prior authorization for the disclosure.

6.19 Members of the Board are only entitled to information in the possession of the DDSB that is relevant to matters before the Board of Trustees or a committee of the Board. Otherwise, members enjoy the same level of access rights to information as any other member of the community.

6.20 If there is uncertainty about whether information is confidential, a Trustee may seek guidance from the Board's General Counsel.

Upholding Decisions

6.21 All Trustees of the Board shall accept that authority rests with the Board of Trustees, and that a Trustee has no individual authority other than that delegated by the Board of Trustees. Trustees shall be mindful of this in all of their interactions with others and will not commit the Board, any Board Committee or staff to any particular course of action.

6.22 Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, or the like, if permitted by the Consolidated Bylaws and Robert's Rules of Order, if applicable, may be brought forward by a Trustee.

6.23 A Trustee should be able to explain the rationale for a resolution passed by the Board. A Trustee may respectfully state his or her position on a resolution provided it does not in any way undermine the implementation of the resolution.

6.24 Each Trustee shall endeavor in good faith to comply with the Board's Consolidated Bylaws. The Board of Trustees as a whole, and not individual Trustees, implements and monitors compliance with Board policies. There are a few instances where policies and procedures apply to individual trustees (e.g., Trustee expense policy and procedure) and Trustees shall comply with all such policies and applicable procedures.

6.25 The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair of the Board or the Board of Trustees to do so. When individual Trustees express their opinions in public, through any medium including social media, they must make it clear that they are not speaking on behalf of the Board.

<u>Gifts, Benefits and Hospitality</u>

6.26 Trustees are expected to carry out their duties with impartiality and objectivity. Trustees shall not accept a gift, benefit or hospitality in order to avoid the risk that this will compromise their objectivity or lead to an appearance of lack of objectivity, bias or influence.

6.27 For these purposes, a gift, benefit or hospitality provided with the Trustee's knowledge to a Trustee's spouse, child, or parent, or to a Trustee's staff that is connected directly or indirectly to the performance of the Trustee's duties is deemed to be a gift to that Trustee.

6.28 No Trustee shall accept a gift from any person, group or entity that has dealings with the board if a reasonable person might conclude that the gift could influence the Trustee when performing their duties unless:

i. the gift is of nominal value,

ii. the gift is given as an expression of courtesy or hospitality, and

iii. accepting the gift is reasonable in the circumstances.

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

Conflict of Interest

6.30 A Trustee shall not use his or her office to advance the Trustee's interests or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.

6.31 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.

6.32 Members of the Board shall comply with the *Municipal Conflict of Interest Act (MCIA)* and avoid conflicts of interest as defined by this Code of Conduct, and the Broader Public Sector (BPS) Directive and Code of Ethics.

Conduct Regarding Current and Prospective Employment

6.33 No Trustee shall allow any current employment or the prospect of his or her future employment by a person or entity to improperly, or for personal gain, affect the performance of his or her duties to the Board.

6.34 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member of the Trustee.

Conduct at Board and Committee Meetings

6.35 Trustees shall respect procedural rulings at Board and Committee meetings and respect the views and opinions expressed by staff members, delegates and other Trustees. Trustees shall conduct themselves with decorum at Board and Committee meetings and in accordance with the provisions of the Consolidated Bylaws.

Conduct Respecting Staff Members

6.36 Trustees shall carry out their duties as defined within section 218.1 of the *Education Act.*

6.37 Trustees shall respect their role and the distinct role and responsibility of staff in accordance with the provisions of the *Education Act*, the Board's Consolidated Bylaws, and OPSBA's Good Governance Guide, as amended from time to time.

6.38 In dealing with parent/guardian concerns or community concerns, Trustees shall not provide express or implicit direction or suggested outcomes to school administrators or educators.

Political Activities and Elections

6.39 Trustees shall not engage in political campaigning, or political party/candidate promotion on DDSB property, at DDSB events, or through DDSB communications platforms at any time.

6.40 Trustees shall not use DDSB resources, including facilities, staff time, communication channels, identifiers, branding, or any other Board-provided assets, for campaign purposes.

6.41 Trustees who are candidates in an election shall clearly distinguish between their governance role as a Trustee and their role as a candidate and shall ensure that all campaign activities are conducted independently of the Durham District School Board.

Social Media

6.42 In this Code of Conduct, the term Social Media refers to third party digital platforms that enable users to interact virtually.

6.43 Any Social Media account operated by a Trustee is subject to this Code of Conduct. General disclaimers or statements such as "personal account" or "posts are my own and do not reflect the Board's views" do not operate to shelter Trustee activity from scrutiny and accountability under the Code of Conduct.

6.44 As with any other communications, Trustees are accountable for their conduct when using Social Media. The Code of Conduct applies to any and all Social Media activity. Any use of Social Media must be consistent with the Code of Conduct and be consistent with and uphold DDSB policies and Consolidated Bylaws.

6.45 Trustees are expected to be aware of and uphold their legal and ethical obligations while using Social Media and should respect the privacy and confidentiality of members of the board and of the community and should not engage in any conduct that is discriminatory.

6.46 If a Trustee uses any Social Media account for campaign purposes, such account must not be created or supported by any DDSB resources and must not make any use of the DDSB logo. Such an account by be a separate campaign account, for the duration of the campaign, and shall include a clear statement on the account home page indicating that the account is being used for election campaign purposes. Social Media accounts used for campaign purposes must utilize personal cell phones, tablets, and/or computers. Trustee conduct on any such campaign accounts remains subject to the Code of Conduct.

Discreditable Conduct

6.47 All Trustees have a duty to treat members of the public, one another, and staff members respectfully and free from discrimination and harassment. This applies to all forms of written and oral communications, including via Social Media.

6.48 DDSB's Safe and Respectful Workplace and Harassment Prevention Policy, Human Rights Policy and the *Ontario Human Rights Code and the Occupational Health and Safety Act,* apply to the conduct of members which occurs on Social Media or which occurs in the course of, or is related to, the performance of official business and duties of Trustees, and to that extent are incorporated into and form part of this Code of Conduct. If an employee or a member of the public brings forward a harassment complaint against a Member of the Board to staff, it shall be immediately forwarded to the Integrity Commissioner. If a complaint is filed with the Integrity Commissioner, after an initial assessment, the Integrity Commissioner may determine the appropriate next steps, including treating the matter as a Formal Complaint or referral of the complaint to an independent investigator. Upon receipt of the independent investigator's findings, the Integrity Commissioner shall report to the

Board in the same manner as a report following an investigation into a Formal Complaint.

Failure to Adhere to the Board Policies and Procedures

6.49 Trustees are required to observe the terms of all policies and procedures established by the Board that apply to members of the Board.

Reprisals and Obstruction

6.50 Trustees must respect the integrity of this Code of Conduct and are obliged to cooperate with inquiries conducted in accordance with the Complaints Protocol and any other procedures set by the Board for addressing complaints of a breach of this Code of Conduct. Any reprisal or threat of reprisal against a complainant or anyone else for providing relevant information to the Integrity Commissioner is prohibited. It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in carrying out the duties of that office.

6.51 Trustees shall be respectful of the role of the office of the Integrity Commissioner.

Acting on Advice of Integrity Commissioner

6.52 If a Trustee is uncertain about whether a proposed action or activity by that Trustee is prohibited by the Code of Conduct, the Trustee may directly seek the advice of the Integrity Commissioner prior to engaging in the proposed action or activity. This shall not constitute an inquiry or investigation by the Integrity Commissioner pursuant to the Complaint Protocol. The advice is not binding on the member nor on the Board, but must be considered by the Integrity Commissioner in any subsequent investigation involving the member and the same or related conduct. Any advice by the Integrity Commissioner to a Trustee under this provision shall be in writing or, if oral, confirmed in writing by the Integrity Commissioner. The fact that a member did not seek advice under this section shall not be considered by the Integrity Commissioner or the Board in any subsequent investigation or determination.

6.53 Nothing in this Code prevents the Chair or Presiding Officer of any meeting of the Board or Committee of the Board from exercising their power pursuant to s. 207(3) of the *Education Act* to expel or exclude from any meeting any person who has demonstrated improper conduct at the meeting.

6.54 The Chair of the Board or Presiding Officer of any meeting of the Board or Committee of the Board shall exercise their powers in a fair and impartial manner having due regard for every Trustee’s opinion or views.

6.55 The Chair of the Board or Presiding Officer shall always attempt to follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures under the Consolidated Bylaws.

7.0 Alleged Breach

7.1 Any alleged breach of this Code of Conduct is subject to the terms of Appendix 2.

8.0 Evaluation

8.1 This Code of Conduct is to be reviewed and updated as required but at a minimum every four (4) years, on or before May 15 beginning in May, 2019.

Appendix:

Appendix 1 – Appointment, Selection and Jurisdiction of the Integrity Commissioner
Appendix 2 – Complaints Protocol – Integrity Commissioner

Effective Date	Legislative References	Approved by
2012-06-18		DDSB Board of Trustees

Amended/Reviewed

2015-11-16
2018-11-19
2019-03-14
2022-03-21
2023-06-19
2024-09-03
2024-12-11
2025-03-17
2026-04-21

Appendix 1 – Appointment, Selection and Jurisdiction of the Integrity Commissioner

1.0 Appointment of the Integrity Commissioner

1.1 The Board of Trustees shall appoint an Integrity Commissioner by 2/3 vote. The Integrity Commissioner may be an individual or a firm/corporation. In the latter case, an individual in that firm/corporation may be referenced as the Board's Integrity Commissioner, with the consent of the Board and the firm/corporation.

1.2 The term of the Integrity Commissioner shall be five (5) years. The term may be extended by the Board of Trustees by 2/3 vote.

1.3 The Integrity Commissioner may be terminated by the Board of Trustees by 2/3 vote.

2.0 Selection of the Integrity Commissioner

2.1 The Integrity Commissioner shall be selected using the Board's hiring practices, overseen by a selection committee appointed by the Board and chaired by the Chair or designate. The selection committee shall make a recommendation to the Board.

3.0 Role of the Integrity Commissioner

3.1 The Integrity Commissioner has the following responsibilities:

(a) fulfilling his or her responsibilities as set out in the Code of Conduct;
(b) providing general instruction to Trustees about the Code of Conduct and Complaint Protocol;
(c) providing general information to Trustees about their duties and obligations under the *Municipal Conflict of Interest Act*;
(d) reviewing and making inquiries related to complaints made about Trustees in relation to the Code of Conduct and the Complaint Protocol, pursuant to the Complaint Protocol;
(e) providing educational programs to Trustees on issues of ethics and integrity;
(f) maintaining custody and control of their complaint and inquiry files and, on completion of their term, transferring any open files related to ongoing matters to the incoming Integrity Commissioner or as the Board may direct; and
(g) providing such other duties respecting ethical and conduct matters as assigned by the Board.

3.2 The Integrity Commissioner does not have jurisdiction over complaints about Board staff.

3.3 The Integrity Commissioner shall act in an independent and objective manner.

3.4 The Integrity Commissioner is accountable to and reports to the Board of Trustees.

3.5 The Director of Education, for the sole purpose of an inquiry or investigation undertaken by the Integrity Commissioner pursuant to the Complaint Protocol, will provide information to the Integrity Commissioner and will facilitate access to all documents including, but not limited to books, accounts, financial records, electronic records and communications, files, papers, things or property in the possession or control of the DDSB that the Integrity Commissioner believes are necessary for an investigation of a complaint made in accordance with the Complaint Protocol, provided first that the Board's General Counsel has vetted the proposed access to confirm that same will not breach the Board's legal obligations.

Appendix 2 – Complaints Protocol – Integrity Commissioner

1.0 RATIONALE

The Board has established a Board Member Code of Conduct ("Code of Conduct or "Code") to govern the conduct of Trustees and to provide transparency, accountability, and public confidence in its governance. This Complaints Protocol supports the implementation of the Code of Conduct, particularly as related to the complaints process, including the reporting, investigation and resolution of complaints.

2.0 OBJECTIVE

To outline the processes for making, investigating, resolving and reporting on the outcomes of complaints made under the Code of Conduct.

3.0 DEFINITIONS

Terms are as defined in the Code of Conduct.

4.0 COMPLAINT PROTOCOL

This Complaint Protocol describes the process for addressing allegations of breach of the Code of Conduct. The Complaint Protocol is intended to ensure that there is an opportunity to resolve complaints as fairly, expeditiously and meaningfully as possible.

4.1 Allegations of Breach made by Non-Members

4.1.1 Any person at least 18 years of age residing within the jurisdiction of the DDSB or who is a pupil, or parent/guardian of a pupil of the DDSB, or any DDSB staff member may bring forward an alleged breach of the Code of Conduct by submitting to the Integrity Commissioner a properly completed copy of an Inquiry Request Form located on the DDSB website.

4.1.2 All Inquiry Request Forms shall be completed and signed by an identifiable individual.

4.1.3 The Integrity Commissioner shall know the identity of the requestor but where the safety of the requestor is an issue, or the identity of the requestor could impact the functioning of the Board and/or professional working relationships, the Integrity Commissioner can maintain the anonymity of the requestor, provided that the Integrity Commissioner is satisfied that the failure to identify the requestor does not and will not have a material impact on the fairness of the process to the member(s) against whom the allegations are made. Further, where the identity of the requestor is not disclosed, Trustees may consider the fairness of the process to the member(s) against whom the allegations are made in considering the allegations.

4.1.4 All properly completed Requests for Inquiry shall be reviewed by the Integrity Commissioner. The review shall be undertaken as follows:

1. At the first stage, the Integrity Commissioner shall undertake a threshold assessment of the completed Inquiry Request Form to determine if it raises a timely and serious question regarding non-compliance with the Code of Conduct. If it does not, the Integrity Commissioner shall advise the requestor in writing of the determination and the matter shall be closed.

2. In the event that the Integrity Commissioner determines that the Request for Inquiry raises a timely and serious question regarding non-compliance with the Code of Conduct, then the Integrity Commissioner shall proceed to the second stage of the review. During this second stage of the review, the Integrity Commissioner may speak with the requestor and shall speak to the member about whom the allegations have been made. No further inquiry is to be made by the Integrity Commissioner at this stage.

3. If after the completion of stage two of the review, the Integrity Commissioner determines that the Request for Inquiry does not raise a timely and serious issue regarding non-compliance with the Code of Conduct, the Integrity Commissioner shall advise the requestor in writing of the determination and the matter shall be closed. The Integrity Commissioner, in consultation with the Chair of the Board, may report to the Board of Trustees that a specific Request for Inquiry has been closed but shall not disclose information that could identify the complainant.

4. If after the completion of stage two of the review, the Integrity Commissioner determines that the Request for Inquiry raises a serious issue regarding non-compliance with the Code of Conduct, the Integrity Commissioner shall report to the members during a closed-session meeting of the Committee of the Whole. The member against whom the allegations are made is entitled to be present. Any member may then choose whether to bring the matter forward in accordance with the standard process outlined in section 4.2 below. The Integrity Commissioner may advise the requestor of the status from time-to-time, as the Integrity Commissioner may deem appropriate.

4.2 Allegations of Breach Bought Forward by Members

4.2.1 A member who has reasonable grounds to believe that a member has breached the Code of Conduct may notify the following persons in writing of the alleged breach, together with any other notification that may be prescribed by regulation:

i) The Director of Education and the vice-chair of the Board, if the notice relates to the conduct of the Chair of the Board;

ii) Another member of the Board who is neither the complainant nor the subject of the complaint, if the notice relates to the conduct of both the chair and vice-chair, with a copy to the Director of Education; and

iii) In all other situations, the Chair of the Board with a copy to the Director of Education.

4.2.2 Notice of an alleged breach of the Code of Conduct shall include,

i) the name and contact information of the member alleging the breach;

ii) the name and contact information of the member whose conduct is the subject of the notification;

iii) the date of the alleged breach;

iv) a description of the alleged breach; and

v) the provision of the code of conduct that was allegedly breached.

4.2.3 If such a notification of an alleged breach is delivered, the person receiving the notice shall:

i) immediately provide a copy of the written notice to the member whose conduct is the subject of the alleged breach and to the other members; and

ii) if the matter is not resolved within 20 business days after the member received the notice, or within such other time period as may be prescribed by regulation, refer the matter to the Integrity Commissioner for investigation.

iii) in attempting to resolve the matter within the 20-business day timeframe, the member(s) receiving the notice may request that the Director of Education retain an external professional to assist. The Director retains the discretion to hire external assistance and, if so, whom.

4.3 Integrity Commissioner Investigation

4.3.1 If the Integrity Commissioner receives a referral for investigation, the Integrity Commissioner shall commence an investigation no later than 14 days after receiving the referral or within such other time period as may be prescribed by regulation and shall provide the member with the opportunity to respond to the allegations, as well as a right of reply, where appropriate.

4.3.2 The integrity commissioner may refuse to commence an investigation into an alleged breach if:

(a) the complaint was made more than 60 days after the day the alleged breach occurred or was discovered, whichever is later, unless the integrity commissioner is satisfied the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay; or

(b) in the opinion of the integrity commissioner, the complaint is made in bad faith or is frivolous or vexatious.

4.3.3 The Integrity Commissioner shall calculate the time periods based on the rules set out in the Education Act and any applicable regulations thereunder, including the rules on discoverability.

4.3.4 The integrity commissioner shall provide written notice of a refusal to commence an investigation to the member who is the subject of the complaint and to the board.

4.3.5 In conducting an investigation, the Integrity Commissioner may:

i) require the production of any records that may in any way relate to the investigation;

ii) examine and copy any records required under clause; and

iii) require any officer of the board or any other person to appear before him or her and give evidence, on oath or affirmation, relating to the investigation.

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

4.4 Sanctions

4.4.1 If the Integrity Commissioner determines, following an investigation, that the member has breached the Code of Conduct, the Integrity Commissioner may impose one or more of the following sanctions:

i) Censure of the member.

ii) Requiring the board to reduce the member's honorarium by an amount not exceeding the prescribed amount, requiring the member to return any excess already paid to the member and authorizing the board to recover the excess from the member.

iii) Barring the member from attending all or part of one or more meetings of the board or one or more meetings of a committee of the board, for the period of time specified by the integrity commissioner up to a maximum of 90 days or the balance of the member's term of office, whichever is less.

iv) Barring the member from sitting on one or more committees of the board, for the period of time specified by the integrity commissioner, up to a maximum of 90 days or the balance of the member's term of office, whichever is less.

v) Barring the member from becoming the chair or vice-chair of the board or of any committee of the board, or removing the member from any of those positions.

vi) Barring the member from exercising the privileges of a board member or acting as a board representative, or removing the member from a position the member holds as a board representative.

vii) Subject to any other limits set out in paragraphs (i) to (vi) above, any other sanction that, in the opinion of the Integrity Commissioner, is reasonable and appropriate in the circumstances.

viii) Subject to any other limits set out in paragraphs (i) to (vi) above, any other sanction that, in the opinion of the Integrity Commissioner, would promote compliance with the Code of Conduct.

4.4.2 The imposition of a sanction that bars a member from attending all or part of one meeting of the board shall be deemed, for the purpose of clause 228 (1) (b) of the *Education Act*, to be authorization for the member to be absent from the meeting.

4.4.3 A member who is barred from attending all or part of a meeting of the board or a meeting of a committee of the board is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public.

4.5 Appeal

4.5.1 The Integrity Commissioner shall provide the member whose conduct was the subject of the complaint and the board written notice of a determination that the member has or has not breached the board's code of conduct and of any sanctions imposed. The written notice must include,

i) the reasons for the determination;

ii) the reasons for any sanctions; and

iii) information about the right to appeal under section 218.3.2. of the Education Act.

4.5.2 If a sanction is varied or overturned on appeal under section 218.3.2 of the Education Act, that result shall be deemed to be effective as of the date that the original determination was made by the Integrity Commissioner.

4.6 Public Information

4.6.1 The Chair of Board shall ensure that the following records are maintained and published on the Board's website:

i) A summary of any matter referred to an Integrity Commissioner for investigation (except those under section 4.1);

ii) A summary of the decision of the Integrity Commissioner to refuse to commence an investigation (except those under section 4.1);

iii) A summary of the determination of the Integrity Commissioner following investigation (except those under section 4.1)

iv) A determination of an appeal panel.

4.6.2 Where the alleged breach of the Code of Conduct or the determination regarding the breach involves any of the matters described in clauses 207 (2) (a) to (e) of the Education Act, the Board shall publish only such information as is appropriate.

5.0 EVALUATION

This code of Conduct is to be reviewed and updated as required but at a minimum every four (4) years.