



Governance and Policy Committee Agenda

Date: August 27, 2024
 Location: Muskoka Education Centre
 Time: 3:30 p.m.

1. Call to order

2. Roll call

3. Declaration of possible conflict of interest

4. Approval of agenda

5. Committee action items

- 5.1 Approval of the minutes of the June 4, 2024 Governance and Policy Committee Meeting (pgs.2-4)

6. Administrative reports

- 6.1 For Action - Written
 - a. HR-4050 Attendance Support Policy (SO. Hubbert/ pgs.5-6)
 - b. OP-6020 Code of Conduct Policy (Acting Associate SO Fraser/ pgs.7-8)
 - c. HR-4550 Annual Evaluation of the Director of Education Policy (Director Hahn/ pgs.9-10)
 - d. Trustee Code of Conduct Policy (Director Hahn/ pgs.11-26)

7. Other business

- 7.1 Director's Performance Appraisal 360 Recommendation (pg. 27)

8. Next meeting

9. Adjournment



Governance and Policy Committee Meeting Minutes

Date: June 4, 2024
 Location: Lindsay Education Centre
 Time: 2:30pm

1. Call to order

Chair Saunders called the meeting to order at 2:30pm

2. Roll call

Chair Saunders welcomed the Committee and confirmed all members were in attendance.

Trustees Clodd, Reain, Saunders, and Wilcox attended in person. Trustee Childs attended virtually.

Director Hahn and Executive Assistant J. Andreasen were in attendance as staff support.

3. Declaration of possible conflict of interest

There were no declarations of possible conflict of interest.

4. Approval of agenda

Moved by Trustee Reain, seconded by Trustee Clodd, that the agenda be approved.
 Carried.

5. Committee action items

5.1 Approval of the minutes of the April 16, 2024 Governance and Policy Committee Meeting.

Moved by Trustee Wilcox, seconded by Trustee Clodd
 That the minutes dated April 16, 2024 be approved.
 Carried.

6. Administrative Reports

6.1 For Action- Written

a. HR-4050 Attendance Support Policy

Superintendent Hubbert shared the proposed changes to the HR-4050 Attendance Support Policy. The Committee recommended some clarifying language changes to the draft that was presented. Changes were reviewed and approved by the Committee.

Moved by Trustee Wilcox , Seconded by Trustee Reain

That the revised HR-4050 Attendance Support Policy be approved and the policy be advanced to the next public meeting of the Board of Trustees for ratification.

Carried.

b. OP-6020 Code of Conduct Policy

Acting Associate Superintendent Fraser shared an overview of the changes to the OP-6020 Code of Conduct Policy. The Policy was updated to align with the recent release of Ministry Policy and Program Memoranda (PPM) 128. The Governance and Policy Committee made two additions to the draft presented, adding the term policy to the title and the final paragraph.

Moved by Trustee Clodd, Seconded by Trustee Reain

That the revised OP-6020 Code of Conduct Policy be approved and the policy be advanced to the next public meeting of the Board of Trustees for ratification.

Carried.

c. BD-2500 External Presentations and Third-party Speakers Policy

Superintendent Johnston shared the new BD-2500 External Presentations and Third-Party Speakers Policy for review, input and approval.

Moved by Trustee Reain, Seconded by Trustee Wilcox

That the BD-2500 External Presentations and Third-Party Speakers Policy be approved and that the policy be advanced to the next public meeting of the Board of Trustees for ratification.

Carried.

7. Other business

7.1 Plan for Director's Performance Appraisal- timelines and policy/ procedure development

Director's Performance Plan will come to the Director's Performance Appraisal Committee and then shared with all Trustees.

The Governance and Policy Committee will review recommendations for altered timelines to precede the Ministry 'due dates' in fall 2024.

8. Next meeting

To be determined in 2024-2025.

9. Adjournment

Moved by Trustee Clodd, seconded by Trustee Wilcox
That the Committee do now adjourn at 3:27pm
Carried.

Trillium Lakelands District School Board Administrative Report

Date: August 19, 2024
To: Board of Trustees
Origin: Human Resources Services Department
Subject: Attendance Support Policy Update Rescind
Reference: Governance & Policy Meeting - August 27, 2024

Purpose

To present to the Governance and Policy Committee a recommendation to rescind the approved updates that were made to the Attendance Support Policy on June 11, 2024.

Context

The Attendance Support Procedure was reviewed during a virtual meeting with Traci Hubbert (Superintendent of Human Resources Services), Trish Bryans (Attendance and Disability Management Officer), Sara Manol (Executive Assistant to Traci Hubbert), Iggi VanKooten (OSSTF President), Lara Waterhouse (ETFO-TLOTL President), Lianne Barley (CUPE representative), Stefani Burosch (OSSTF PSSP President), Shauna Tomlinson (ETFO-DECE representative), and Mike DeRose (ETFO-TLETL Vice-President), on June 19, 2024.

During this meeting, concerns were identified with the Attendance Support Policy. Further, on June 26, 2024, the Ontario Government released Policy/Program Memorandum (PPM) 171 Attendance Support, the content of which must be incorporated into the Board Attendance Support Policy and Procedure.

Content

It is recommended that the Attendance Support Policy be revisited to address the issues brought forward during the review meeting as well as incorporate necessary changes from PPM 171.

Action

Recommendation: that the Governance and Policy Committee rescind the updated Attendance Support Policy that was approved on June 11, 2024 and reinstate the previously existing Attendance Support Policy, and that the recommendation be advanced to the next public meeting of the Board of Trustees for ratification.



HR-4051 Attendance Support Policy

Approval Date: 2023

Review Date: 2028

Purpose

Trillium Lakelands District School Board believes that regular and consistent attendance by all employees is essential for the provision of high-quality educational services for our students and is essential for the provision of a safe and healthy workplace.

Trillium Lakelands District School Board supports the health and well-being of all its employees by creating a positive, supportive environment whereby employees are offered assistance on an individual basis to support their regular attendance. Attendance Support will focus on innocent absenteeism.

If you require this information in an accessible format, please contact Communications Services at info@tlds.on.ca.

Trillium Lakelands District School Board

Administrative Report

Date: August 15, 2024
To: Governance and Policy Committee
Origin: Tanya Fraser, Acting Associate Superintendent of Learning
Subject: OP-6020 Code of Conduct Policy
Reference: Governance and Policy Committee - August 27th, 2024

Purpose

To present to the Governance and Policy Committee the revised OP-6020 Code of Conduct Policy.

Context

The OP-6020 Code of Conduct Policy required updating to align with the recently revised Provincial Code of Conduct / PPM 128. The final version of the Policy/Program Memorandum (PPM) was issued June 27, 2024 with a requirement that changes be implemented by September 1, 2024.

Content

A revised version of the OP-6020 Code of Conduct Policy was passed by the Governance and Policy Committee and then ratified by the Board in June 2024. Following the June 11, 2024 Board Meeting further input was received in relation to the updated version of the policy. It is recommended that the version of the OP-6020 Code of Conduct Policy that was ratified at the June 2024 Board meeting be rescinded and the attached, updated (marked up) version be considered by the Governance and Policy Committee.

Revisions to the OP-6020 Code of Conduct Policy include updating the language both for the purpose of clarity and to ensure alignment with PPM 128. As outlined in PPM 128, school boards must develop and update their own policy to implement standards consistent with the Provincial Code of Conduct.

The policy was reviewed by Trustee Clodd, the Code of Conduct advisory team which was comprised of elementary and secondary administrators, as well as Superintendents Goldring and Fraser. Feedback from federations/unions was sought out and considered in the development of the revised policy.

Action

Recommendation 1: that the revised OP-6020 Code of Conduct Policy that was approved at the June 4, 2024 Governance and Policy committee meeting and ratified at the June 11, 2024 Board meeting be rescinded.

Recommendation 2: that the updated revised OP-6020 Code of Conduct Policy be approved and that the policy be advanced to the next public meeting of the Board of Trustees for ratification.



OP-6020 Code of Conduct

Approval Date: 2024~~2~~

Review Date: 2027~~5~~

Purpose

Trillium Lakelands District School Board believes that a safe, caring, and inclusive **school environment is essential for learning. This environment supports achievement and well-being and respects all human rights. The Code of Conduct establishes the foundation for creating a positive school climate by setting clear standards of behaviour for all members of the school community.**

~~, working and learning environment is essential for all members of the school community. We believe that an approach that respects the dignity and diversity of all peoples and groups, will help build and foster a school culture and climate that is safe, conducive to learning, and free from discrimination, physical and/or psychological abuse. This Code of Conduct procedure provides the guiding principles, standards of behaviour, mitigating factors, preventative measures, and consequences related to generating and maintaining a positive, safe, caring and inclusive environment.~~

The Code of Conduct policy applies to the entire school community, including all individuals on school property, school buses, at school-related events or activities, virtual learning environments and any circumstances that impact the school climate. It is the expectation of all individuals to actively maintain a positive school climate.

The Code of Conduct procedure provides further detail related to expectations and acceptable behaviour in alignment with the Ministry of Education Policy/Program Memorandum 128.

If you require this information in an accessible format, please contact Communications Services at info@tldsbc.on.ca.

Trillium Lakelands District School Board

Administrative Report

Date: August 14, 2024
To: Governance and Policy Committee
Origin: Director of Education Wes Hahn
Subject: HR-4550 Annual Evaluation of the Director of Education Policy
Reference: Governance and Policy Committee Meeting August 27, 2024

Purpose

To present to the Governance and Policy Committee the recommended revisions to the HR-4550 Annual Evaluation of the Director of Education Policy.

Context

The Better Schools and Student Outcomes Act, 2023, provided legislation related to the development of a common and consistent process for the annual performance appraisal of Directors of Education by school board Trustees across the Province. Ontario Regulation 83/24 and associated Technical Guides sets out the requirements of the new process, inclusive of date requirements for completion of certain tasks in the evaluation cycle.

Trillium Lakelands District School Board historically engaged in an Annual Evaluation of the Director of Education each year, with a report to board confirming the evaluation presented each fall in alignment with the requirements as set out in TLDSB HR-4550/4551 Annual Evaluation of the Director Policy and Procedure.

With the release of the Regulation and new Technical Guide in the spring, Trustees passed motion #24-05-109 in May 2024 rescinding the Annual Evaluation of the Director of Education Policy as it currently stood with the intention of redeveloping the policy to align with the new Ministry of Education requirements.

Content

The attached recommendations for changes to the policy in were made with the input of the Director's Performance Appraisal (DPA) Committee.

The intention of the updated policy is to reiterate TLDSB's commitment to aligning Board practice with Ministry requirements. In addition, the updated policy states TLDSB's intention to meet or exceed timelines outlined in the regulation, thus allowing for some flexibility and better alignment with TLDSB DPA Committee Meeting dates and Board meeting dates.

Action

Recommendation: that the updated HR-4550 Annual Evaluation of the Director of Education Policy be approved and that the policy be advanced to the next public meeting of the Board of Trustees for ratification.



HR-4550 Annual Evaluation of the Director of Education Policy

Approval Date: 2019

Review Date: 2024

Purpose

~~Trillium Lakelands District School Board believes that a properly conducted program of evaluation of the Director of Education benefits the Director, enhances the relationship between the Director and the Board, ensures accountability, assists the Board in providing quality educational service, and models the importance of systematic assessment throughout the Board.~~

Trillium Lakelands District School Board (TLDSB) recognizes the responsibility of Trustees under section 169.1 of the Education Act to monitor and evaluate the performance of the Director of Education.

The Ministry of Education Ontario Regulation (*O. Reg*) 83/24: *Director of Education Performance Appraisal* and the accompanying Technical Guide outline the required processes and associated timelines for an annual evaluation of the Director of Education. The regulation also establishes the requirement to solicit feedback from specified representatives of the broader community.

TLDSB is committed to conducting an annual evaluation of the Director of Education in alignment with the process as outlined in O. Reg 83/24 and the accompanying Technical Guide, and to meeting or exceeding the annual timelines as defined in the Regulation.

If you require this information in an accessible format, please contact Communications Services at info@tldsbc.on.ca.

Trillium Lakelands District School Board

Administrative Report

Date: August 20, 2024
To: Governance and Policy Committee
Origin: Director of Education Wes Hahn
Subject: BD-2045 Trustee Code of Conduct Policy
Reference: Governance and Policy Committee Meeting August 27, 2024

Purpose

To present to the Governance and Policy Committee the recommended revisions to the BD-2045 Trustee Code of Conduct Policy.

Context

Through the *Better Schools and Student Outcomes Act, 2023* the Ministry of Education is instituting regulatory reforms to strengthen school board governance and accountability. The reforms include establishing consistent provincial standards for Trustee conduct, and the establishment of a process for resolving code of conduct related complaints.

The changes are being implemented via the establishment of new regulations and/or the amendment of existing regulations and is happening in two phases. Changes to conduct expectations (under new Ontario Regulation 312/24" Members of School Boards- Code of Conduct) must be outlined in Board Trustee Codes of Conduct by August 28, 2024; changes to the process related to resolving Code of Conduct related complaints become effective January 1, 2025.

Content

The attached recommendations for changes to the policy in were made with the input of Chairs Council.

The primary changes to the policy include the addition of language related to:

- compliance with Board by-laws, resolutions, policies and procedures;
- the responsibility of Trustees to uphold the integrity of the Board;
- the requirement for equal treatment of all persons without discrimination based on the protected grounds under the Canada Human Rights Act;
- board members not using or permitting the use of board resources or the acceptances of gifts in the role of Trustee;
- the importance of maintaining confidentiality;
- board members not acting as a spokesperson on behalf of the board unless authorized by the board to do so.
- A statement indicating that the current process for investigation and resolution of a breach of the code of conduct will remain in place until such time that *O. Reg 306/24: Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct* comes into effect on January 1, 2025.

The Policy will be revisited in the Fall of 2024 when the second phase of the regulatory reforms related to school board governance (in relation to the Integrity Commissioner and Sanctions) are released. This second phase is anticipated to be effective January 1, 2025.

Action

Recommendation: that the updated BD-2045 Trustee Code of Conduct Policy be approved and that the policy be advanced to the next public meeting of the Board of Trustees for ratification.



BD-2045 Trustee Code of Conduct Policy

Approval Date: 2023

Review Date: 2027

1. Purpose

Trillium Lakelands District School Board Trustees occupy positions of public trust and confidence. They are expected to discharge their duties and responsibilities in a professional and impartial manner.

It is essential that Trustees be, and be seen to be, acting in the best interests of the public they serve within the entire jurisdiction of the Board.

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 is applicable to all Trustees and student trustees of Trillium Lakelands District School Board, and will be updated every four years.

2. References and Related Documents

TLDSB Procedures and Reference Documents

- [TLDSB Organizational By-laws](#)
- [BU-3036 Appropriate use of Technology Procedure](#)
- [OP-6021 Code of Conduct Procedure](#)

External Reference Documents

- [Education Act s. 169.1, s. 218.1](#)
- ~~[Ontario Reg. 246/18: Members of School Boards- Code of Conduct](#)~~
- [Ontario Reg 312/24 Members of School Boards- Code of Conduct](#)
- [Municipal Conflict of Interest Act](#)
- [Ontario Public School Boards Association \(OPSBA\): Code of Conduct for School Boards Template](#)
- [OPSBA's Guide to Good Governance](#)

3. Terms and Definitions

Board: Trillium Lakelands District School Board (TLDSB)

Trustee: A duly elected or appointed member of a district school board

Director: Director of Education

Censure: An expression of strong disapproval or harsh criticism

4. Administrative Procedure

Every Trustee of the Board shall comply with this Code of Conduct and uphold the spirit of the Code.

4.1. Integrity and Dignity of the Office of the Trustee

A school board receives its legislative authority as a corporate entity under the Education Act and is responsible for operating a publicly funded school system on behalf of the community it serves.

Trustees shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board. In upholding the integrity and dignity of the office of Trustee, there are a number of requirements. When sworn into the Board as a Trustee the following responsibilities of office ensue:

a) Integrity and Dignity of Office

- **When acting or holding themselves out as Trustees of the Board, a Trustee shall conduct themselves in a manner that would not discredit or compromise the integrity of the Board.**
- **When acting or holding themselves out as a Trustee, the Trustee shall treat persons equally without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.**

b) Public Use of Funds

- A Trustee shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of students.

c) Civil Conduct

- A Trustee must conduct themselves in a professional manner, especially when attending Board events, or while on Board property.
- A Trustee will ensure that their comments are issue-based and not personal, demeaning, or disparaging with regard to Board staff or fellow Board Members.
- A Trustee will voice no judgments of staff or staff performance except as that performance is assessed against explicit board policies by the official process, or during "in-camera" sessions of the Board.

d) Avoidance of personal advantage and conflict of interest

- A Trustee shall not accept a gift from any person or entity that has dealings with the Board where it is reasonable that a person might conclude that the gift could influence the Trustee when performing his or her duties to the Board **unless**
 - **the gift is of nominal value;**
 - **the gift is given as an expression of courtesy or hospitality;**
 - **accepting the gift is reasonable in the circumstances.**
- 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.
- A Trustee shall not use his or her office to obtain employment with the Board for the Trustee or Family Member.

- **No Trustee shall use or permit the use of board resources for any purposes other than the business of the Board.**

e) Confidentiality

- **No Trustee shall disclose confidential information obtained or made available to them in their role as Trustee except as authorized by law or by the Board. Confidential information includes personal information about an identifiable individual or information subject to solicitor-client privilege.**
- A Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or Committee of the Board that was closed to the public, unless required to divulge such information by law or authorized by the Board to do so.
- ~~A Trustee shall not use confidential information for either personal gain or to the detriment of the Board.~~ **No Trustee shall use confidential information, including confidential information obtained by them or made available to them in their role as Trustee for the purpose of personal gain or for the gain of the Trustee's parent, spouse or child and shall not use such confidential information in a manner that would be detrimental to the interests of the Board. (Parent, source and child have the same meaning as in Section 1 of the *Municipal Conflict of Interest Act*)**

f) Upholding Decisions

- All Trustees shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.
- Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. **A proposed motion for reconsideration or rescission, if permitted by the Board's By-laws and Rules of Order, can be brought by a Trustee.**
- **When individual Trustee express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.**

4.2. Trustee Code of Ethics

The commitment of each Trillium Lakelands District School Board Trustee to high ethical standards is required to ensure that the school board can responsibly fulfill its obligations and discharge its duties. As Trustees of Trillium Lakelands District School Board, representing all citizens of the community and responsible to the electorate through the democratic process, each Trustee recognizes that they:

- should promote student achievement and well-being;
- should act in the interest of all students in Trillium Lakelands District School Board regardless of the geographic area/ constituency that the Trustee represents;
- are the students' advocate, and that the first and greatest concern is the best interest of each and every one of these students, without distinction as to who they are or what their background might be;
- are community leaders who realize that the future welfare of the community, of the province, and of Canada is dependent in the largest measure upon the quality of education that is provided in our public schools to fit the needs of learners;
- must understand that a strong and effective public education system, responsive to the needs of our students, is the cornerstone of a democratic society;
- should be motivated by an earnest desire to serve Trillium Lakelands District School Board to the best of their ability to meet the educational needs of all students;
- must act with integrity and do everything possible to maintain the dignity of the office of a school board member.

4.3. Trustee Conflict of Interest **related to Board business**

Trustees are subject to compliance with the Municipal Conflict of Interest Act (MCIA) to protect the public interest by ensuring that public officials do not improperly take advantage of their positions of trust to seek personal gain. Conflict of Interest legislation is concerned only with pecuniary, or financial, interest. Pecuniary interest can be direct, indirect, or deemed.

A member who identifies a direct, indirect, or deemed conflict of interest in a matter and is present at a meeting of the Board or committee of the Board at which the matter is the subject of consideration, must declare the conflict before any discussion on the matter begins.

Steps for declaring a conflict of interest:

- a) Publicly declare the conflict of interest, state the general nature of the interest, and have the declaration recorded in the minutes. There is a section on all Board agendas that provide the opportunity to declare a conflict of interest;
- b) Do not vote on any question in respect to the matter;
- c) Do not take part in the discussion on the matter;
- d) Do not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.

4.4. Expectations of Trustees as part of a Board

As a school board member, each Trustee will:

- a) Understand governing legislation:
 - abide by legislation, board policy, and procedural direction, the Oath of Office, the Trustee Code of Conduct, the TLDSB Code of Conduct and all Board by-laws;
 - recognize the duty to comply with the Municipal Conflict of Interest Act and all privacy legislation;
 - be familiar with Board By-laws;
 - understand the rules of order/ parliamentary authority as they pertain to TLDSB Committee and Board Meetings.
- b) Understand the role of the Board as an entity:
 - accept that authority rests with the Board and that individuals have no authority outside the Board and abide by the majority decisions of the Board once they are made;
 - uphold the implementation of any Board resolution after it is passed by the Board;
 - not use his/her position for personal advantage or to the advantage of any other individual apart from the total interest of Trillium Lakelands District School Board, and resist outside pressure to so use the position;
 - communicate and conduct relationships with staff, the community, other school boards, and the media in a manner that focuses on all of the facts and that also reflects the Board's position and direction.
- c) Lead Board Governance:
 - ensure the effective stewardship of the Board's resources;
 - participate in the development of board policy;

- recognize that Trustees should not attempt to become involved in the day-to-day administration **or operational aspects** of the system, knowing that Trustees shall be provided with full access to all information required for their decision making;
- entrust the day to day management of the Board to its staff through the Director of Education;
- follow the Trustee/Staff Protocol (see appendix 5.1).

d) Work as part of a team:

- carry out duties objectively, and consider all information and opinions presented to the Board in making decisions, without bias;
- work with other Board members in a spirit of respect, openness, courtesy, cooperation and proper decorum, in spite of differences of opinion that arise during debate;
- express any contrary opinion respectfully and honestly, and without making disparaging remarks, in or outside of a board meeting, about other board members or their opinions;
- recognize that the Chairperson is the official spokesperson for the Board **and that no other Trustee may act as spokesperson to the public on behalf of the Board unless authorized by the Board.**

e) Participate in Meetings and other opportunities:

- not divulge confidential information which is obtained in the capacity as a Board member, and not discuss those matters outside the meetings of the Board or the Board's committees;
- endeavour to participate in Trustee development opportunities to enhance the ability to fulfill school board member obligations.

4.5. Specific Expectations of the Board Chair

In addition to duties of Trustees set out in S. 218.1 of the Education Act, the Chair of the Board is expected to comply with the additional duties set out in S. 218.4 of the Act. "In addition to any other duties under the Act", the Chair of the Board shall:

- preside over meetings of the Board;
- conduct the meetings in accordance with the Board's procedures and practices for the conduct of board meetings;
- establish agendas for board meetings, in consultation with Chair's Council;
- ensure that members of the Board have the information needed for informed discussion of the agenda items;
- act as spokesperson to the public on behalf of the Board, unless otherwise determined by the Board;
- convey the decisions of the Board to the Board's Director of Education;
- provide leadership to the Board in maintaining the Board's focus on the multi-year plan established under section 169.1;
- provide leadership to the Board in maintaining the Board's focus on the Board's mission and vision; and,
- assume such other responsibilities as may be specified by the Board in the Board By-laws.

The following process as outlined in 4.6-4.10 of this policy shall be followed for any alleged breach of the Code of Conduct until January 1, 2025 after which time School Boards are required to appoint an Integrity Commissioner to investigate potential breaches under *O. Reg 306/24: Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct* (unless set timelines are otherwise altered by the Ministry of Education or another governing body).

4.6. Enforcement of the Trustee Code of Conduct

- a) A Trustee who has reasonable grounds to believe that another Trustee has breached this Code of Conduct may bring the alleged breach to the attention of the Board.
- b) The alleged breach must be brought to the attention of the Chair no later than six (6) weeks after the breach comes to the knowledge of the Trustee who is reporting. In the event that the complaint is against the Chair, the Vice Chair and Past Chair/ Chair's Council Alternate will take the lead. The Vice Chair and Past Chair/ Chair's Council Alternate shall follow the same processes as the Chair would and as outlined below.
- c) If an alleged breach is brought to the attention of the Board, the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether there has been a breach.

4.7. Response to an alleged breach of the Trustee Code of Conduct

- a) Any allegation of a breach of the Code of Conduct shall be investigated either as a formal or informal complaint and follow the appropriate investigation procedure.
- b) It is expected that whenever possible, allegations of a breach of the Code of Conduct by a Trustee shall be investigated following the Informal Complaint Procedure. It is recognized that from time to time a contravention of the Code may occur that is trivial or through inadvertence, or an error of judgement made in good faith. In the spirit of congeniality and the best interests of the Board, the first purpose of alerting a Trustees to a breach of the Code is to assist the Trustee in understanding his/her obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following a formal complaint procedure.
- c) If the Chair is of the opinion that a formal complaint is out of time, trivial, frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for a formal inquiry, a confidential report shall be prepared for all Trustees of the Board stating their option and the rationale for it. A vote shall be made in relation to whether a formal inquiry will proceed or whether the Chair's resolution shall be upheld. The Trustee who is alleged to have breached the Code of Conduct shall not vote on the resolution.
- d) If the allegation of a breach of the Code of Conduct on its face is with respect to the non-compliance of a more specific Board Policy with a separate complaint procedure, the allegation shall be processed under that procedure.

4.8. Addressing informal or formal complaints related to the Trustee Code of Conduct

- a) Informal Complaint Procedure
 - i. The Chair of the Board, on their own initiative, or at the request of a Trustee of the Board (without the necessity of providing a formal complaint) who alleges that a breach of the Code has occurred, may meet informally with a Trustee of the Board who is alleged to have breached the Code, to discuss the breach.
 - ii. The purpose of the meeting is to bring the allegation of the breach to the attention of the Trustee and to discuss remedial measures to correct the offending behaviour. Remedial

measures may include, for example, a warning, an apology and/or the requirement for the Trustee to engage in professional development.

- iii. The informal complaint procedure is to be conducted in private.
- iv. If the Chair and the Trustee alleged to have breached this Code cannot agree on a remedy, then a formal complaint may be brought against the Trustee alleged to have breached this Code and that complaint will be dealt with in accordance with the Formal Complaint Procedure.

b) Formal Complaint Procedure

- i. A Trustee who has reasonable grounds to believe that another Trustee of the Board has breached the Trustee Code of Conduct may bring the breach to the attention of the Board by first providing to the Chair of the Board a written, signed complaint setting out the following:
 - the name of the Trustee who is alleged to have breached the Code;
 - the alleged breach or breaches of the Code;
 - information as to when the breach came to the Trustee's attention;
 - the grounds for the belief by the Trustee that a breach of the Code has occurred; and,
 - the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.
- ii. Except as provided below, if a written complaint is filed with the Chair of the Board then a formal inquiry shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Complaint Procedure.
- iii. In an election year for Trustees, a code of conduct complaint respecting a Trustee who is seeking re-election shall not be brought during the period commencing two months prior to election day and ending after the first Board meeting after the new term of office of the Board commences.
- iv. If the Trustee accused of a breach of the Code is not re-elected, no inquiry into the alleged breach of the Code by that Trustee shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.
- v. The Chair of the Board shall provide to all Trustees of the Board a confidential copy of the complaint within ten (10) days of receiving it.
- vi. The complaint, any response to the complaint and the investigation of the complaint shall be confidential until it is before the Board of Trustees for a decision as to whether or not the Trustee has breached this Code.

4.9. Formal Inquiry into an alleged breach of the Trustee Code of Conduct

a) Considerations, Investigation and Findings

- i. If a formal inquiry of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by the Chair and the Vice Chair of the Board, if appropriate, or any two of the Chair, Vice Chair and Past Chair/ Chair's Council Alternate.
- ii. The Statutory Powers Procedure Act does not apply to anything done regarding the enforcement of this Code of Conduct. No formal trial-type hearing will be conducted.
- iii. Procedural fairness shall govern the formal inquiry. The formal inquiry shall be conducted in private.
- iv. The formal inquiry may involve both written and oral statements by any witnesses, the Trustee bringing the complaint and the Trustee who is alleged to have breached the Code of Conduct.
- v. The Trustee who is alleged to have breached the Code of Conduct shall have an opportunity to respond to the allegations both in a private meeting with the person(s) undertaking the formal inquiry and in writing.

- vi. It is expected that the formal inquiry will be conducted within 90 calendar days of the receipt of the written response to the complaint. If a longer period of time is required to complete the inquiry, the reason for the extension shall be explained in the final report of the Board. The Trustee who is alleged to have breached the Code of Conduct shall provide a written response to the allegations within 10 days of receiving the written allegation, or such extended period of time as the investigators deem appropriate in the circumstances.
- vii. If the Trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal inquiry, the formal inquiry will continue in their absence.
- viii. The final report shall outline the finding of facts and a recommendation or opinion as to whether the Code of Conduct has been breached.
- ix. If the Chair and Vice Chair of the Board, when conducting the formal inquiry cannot agree on the final finding of facts, it shall be referred to an outside investigator to complete the formal inquiry.
- x. If the investigators, when conducting the formal inquiry, discover that the subject-matter of the formal inquiry is being investigated by the police, that a charge has been laid, or is being dealt with in accordance with a procedure established under another Act, the formal inquiry shall be suspended until the police investigation, charge, or matter under another Act has been finally disposed of. This shall be reported to the rest of the Board of Trustees.
- xi. No Trustee shall undertake their own investigation of the matter.

b) Final Report and Decision

- i. The final report shall be delivered to the Board of Trustees, and a decision by the Board of Trustees as to whether or not the Code of Conduct has been breached and the sanction, if any, for the breach shall be made as soon as practical after the receipt of the final report by the Board.
- ii. Trustees shall consider only the findings in the final report when voting on the decision and sanction.
- iii. If the Board of Trustees determine that there has been no breach of the Code of Conduct or that a contravention occurred, although the Trustee took all reasonable measures to prevent it, or that a contravention occurred that was trivial, or committed through inadvertence, or an error of judgment made in good faith, no sanction shall be imposed.
- iv. The determination of a breach of the Code of Conduct and the imposition of a sanction with respect to a complaint investigated in accordance with the Formal Complaint Procedure must be done by resolution of the Board at a meeting of the Board, and the vote on the resolution shall be open to the public. The resolutions shall be recorded in the minutes of the meeting. The reasons for the decision shall be recorded in the minutes of the meeting. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees of the Board present and voting.
- v. Despite s. 207 (1) of the Education Act, the part of the meeting of the Board during which a breach or alleged breach of the Board's Code of Conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207(2) (a) to (e) as being items that must be discussed in-camera.
- vi. The Trustee who is alleged to have breached the Code of Conduct shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction.
- vii. The Trustee who brought the complaint to the attention of the Board may vote on those resolutions.

- viii. The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but shall not participate in the deliberations, and shall not be required to answer any questions at that meeting.
- ix. The Trustee who is alleged to have breached the Code of Conduct shall not in any way, after the final report is completed, influence the vote on the decision.

4.10. Sanctions: Removals, Censures and/or Restrictions

In accordance with the provisions of S. 218.3 of the Education Act, a breach of the Trustee Code of Conduct by a Trustee may be dealt with by the following:

- a) If the Board determines that the Trustee has breached the Board's Code of Conduct, the Board may impose one or more of the following sanctions: (a) Censure of the Trustee. (b) Barring the Trustee from attending all or part of a meeting of the Board or a meeting of a committee of the Board. (c) Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board.
- b) The Board shall not impose a sanction which is more onerous than the above but may impose one that is less onerous such as a warning or a requirement that the Trustee successfully complete specified professional development courses at the expense of the Board. The Board has no power to declare the Trustee's seat vacant.
- c) 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 and that are not available to members of the public.
- d) The imposition of a sanction barring a Trustee from attending all or part of a meeting of the Board shall be deemed to be authorization for the Trustee to be absent from the meeting and therefore, not in violation of the Education Act regarding absences from meetings.
- e) Reconsideration
 - i. If the Board determines that a Trustee has breached the Board's Code of Conduct the Board shall, (a) give the Trustee written notice of the determination, the reasons for the decision and any sanction imposed by the Board; (b) 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 that is at least fourteen (14) days after the notice is received by the Trustee; and (c) consider any submissions made by the Trustee and shall confirm or revoke the determination or sanction within 14 days after the submissions are received.
 - ii. If the Board revokes a determination, any sanction imposed by the Board is revoked.
 - iii. If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary or revoke the sanction.
 - iv. If a sanction is varied or revoked, the variation or revocation shall be deemed to be effective as of the date the original determination was made.
 - v. The Board decisions to confirm or revoke a determination or confirm, vary or revoke a sanction shall be done by resolution at a meeting of the Board and the vote on the resolution shall be open to the public. Both resolutions shall be decided by a vote of at least 2/3 of the Trustees present and voting. The resolutions shall be recorded in the minutes of the meeting together with the reasons for confirming or revoking a determination. The Board shall provide to the Trustee alleged to have breached the Code of Conduct written notice of the decision to confirm or revoke the determination together with reasons for the decision and written notice of any decision to

- confirm, vary or revoke a sanction. The Trustee alleged to have breached the Code of Conduct shall not vote on those resolutions. The Trustee who brought the complaint may vote.
- vi. The Trustee who is alleged to have breached the Code of Conduct may be present during the deliberations regarding the above but may not participate in the deliberations and shall not be required to answer any questions at that meeting.
 - vii. If appropriate, the original sanction may be stayed pending the reconsideration by the Board of the determination or sanction.

5. Appendices

5.1. Trustee Staff Protocol

5.2. Trustee Declaration and Oath of Office

If you require this information in an accessible format, please contact Communications Services at info@tldsb.on.ca

Rationale

Trustees work collaboratively with many partners and stakeholders in order to perform their duties and to execute their powers. Trustees are the elected representatives who are the important link between the school system and the community. They represent the voice of the community and are responsible for school board governance.

Staff members are responsible for the implementation of Board policies and for the day-to-day management of the school system. They develop and implement educational programs and ensure that schools are operated according to provincial acts and regulations. They ensure that schools best serve the needs of students and those students achieve maximally.

To facilitate responsible representation, an effective working relationship among Trustees, community members, school and Board staff and administration, is a necessity. The partnerships which are forged must be based on a common understanding of their interdependent roles and responsibilities.

Purpose

The purpose of this protocol is to provide guidelines regarding the working relationship between Trustees and staff in relation to:

- Communication
- Attendance at functions
- Opening of new Board facilities
- Resolving parent/community concerns

Communication

Communication is a shared responsibility where all parties endeavor to ensure an open and transparent line of ongoing communication.

Principals

To facilitate communication between schools and Trustees, principals are requested to:

- Send the local Trustee a copy of the school newsletter and school calendars which include special events (preferably electronically);
- Communicate immediately to the Area Superintendent information related to any school incident or crisis which may create concern within the community. The Area Superintendent or designate will contact the local Trustee and share all pertinent information so that the Trustee can respond appropriately to questions from parents or the school community.

Trustees

Trustees are encouraged to share positive or congratulatory messages, either their own or those heard from parents or community members, directly with principals.

Media

Communication with the **media** for matters of a sensitive nature where only one voice is required:

- The official media spokespersons are the Board Chair, on behalf of Trustees, and the Director of Education, on behalf of the staff;
- Trustees should refer media requests for information to the Board Chair or the Director's Office;
- In times of crisis, there should be immediate communication with the School Superintendent who will contact the Director's Office. The Director will ensure that Trustees are informed of all relevant information in a timely manner.

Communication with the **media** for local matters:

- Trustees should contact the Director's Office if they are contacted by the media for comment on an issue.

Attendance at Functions

Principals should ensure that their local Trustee is invited to school functions at which parents and community members are in attendance. A Trustee may be invited as a special guest and/or asked to bring greetings on behalf of the Board (if/when appropriate) Examples are:

- Graduation;
- Open house;
- Performances and special events;
- School Council meeting.

Superintendents, managers, supervisors are encouraged to:

- Invite Trustees to special events involving staff and community members;
- Make Trustees aware of innovations, new directions and programs related to specific departments;
- Send flyers and invitations related to community events to all Trustees.

Trustees are responsible for:

- Acknowledging all invitations and confirming attendance in a timely manner;
- Ensuring that the superintendent, principal, manager or supervisor is aware of their presence upon arrival at an event.

The **role of the Trustee** should be outlined in advance:

- Trustees should play the prominent political role at all functions and should be included as part of the platform party, invited to bring greetings from the Board, and/or be a presenter of awards;
- *Greetings from the Board* should be 2 minutes in length or less;
- *An Opening Address* should be 5 minutes or less.

Generally, the sequence of **speeches and presentations** by guests who are in attendance at functions (the list below is not intended to be prescriptive), following opening remarks from the principal, if applicable, should be:

- Board Chair;
- Local Trustee;
- Director of Education or designate;
- Principal;
- School Council Chair;
- Staff, students and other school personnel.

Any visiting dignitaries (e.g. municipal, provincial, federal politicians) from outside of the Board should speak after Board dignitaries.

Opening of Board Facilities (Board, school or major additions)

The **Principal (or designate) and Supervisory Officer** shall:

- Include local Trustee participation in the Ground-Breaking Ceremony;
- Ensure that ribbon cutting ceremonies are performed by representatives selected from among the Board Chair, the local Trustee(s), the Director of Education and students;
- If feasible, invite the local Trustee(s) to tour the new project prior to the official opening;
- Ensure that the Board Chair or designated Trustee plays a prominent role in the Official Opening Ceremonies.

Responding to Parent/Community Concerns

- **Trustees** should advise parents and community members to contact the school principal with their complaint or concern. If the Trustee would like follow-up or feedback regarding the issue, or if the matter is not resolved at the school level, he/she should contact the Area Superintendent.
- **Trustees** should direct their own school-related questions, concerns or general requests for information to the appropriate superintendent. Trustees must recognize that information about the day-to-day operations of schools is not necessarily appropriate for sharing with Trustees.
- **Staff** should refer concerns or complaints expressed by parents or community members that are not resolved at the teacher or staff level to the principal or immediate supervisor.
- **Staff** is encouraged to refer questions, concerns, and/or requests for information from Trustees to the principal or immediate supervisor.
- **The Principal, Supervisor, or Area Superintendent** will endeavour to ensure that issues raised by Trustees are dealt with and that timely feedback to the Trustee is provided.

Under normal circumstances, anonymous parent/community complaints, whether verbal or written, from sources internal or external to the Board, will not be entertained.

The tldsb.ca website advises parents/guardians to follow the steps below if they have a question or concern about their child's education:

First: Contact the classroom teacher and discuss the situation.

Then – if the situation has not been resolved:

Contact the principal or vice-principal and request help in dealing with the matter.

Then – if necessary:

Contact the superintendent of your child's school. Call 1-888-526-5552 and ask for the name of the superintendent for your child's school.

Then – if necessary:

Contact the director of education through the school board office at 1-888-526-5552.

Then – if necessary, and if the situation has not been resolved:

Contact your local trustee. Contact numbers can be found on our website.

Concerns pertaining to things other than your child's education may be directed to info@tldsb.on.ca or 1-888-526-5552.

Trustee Declaration and Oath of Office

Declaration and Oath of Office

S.209, Education Act

209. (1) Declaration – Except as provided in subsection (2), every person elected or appointed to a Board, on or before the day fixed for the first meeting of the new Board, or on or before the day of the first meeting that the person attends, shall make and subscribe the following declaration in English or French before the secretary of the Board or before any person authorized to administer an oath or affirmation and in default the person shall be deemed to have resigned.

DECLARATION

I, *FIRST AND LAST NAME OF TRUSTEE* do solemnly declare that:

1. I am not disqualified under any Act from being a member of Trillium Lakelands District School Board.
2. I will truly, faithfully, impartially and to the best of my ability, execute the office of Trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict of Interest Act*.

Declared before me at _____ In the Province of Ontario _____

this _____ day of _____ 20_____

Secretary of the Board or designate Board Member

(2) Idem – Where a person is elected or appointed to fill a vacancy on a Board, the person shall make such declaration on or before the day fixed for holding the first meeting of the Board after his or her election or appointment or on or before the day of the first meeting that the person attends and in default the person shall be deemed to have resigned.

(3) Oath of Allegiance – Every person elected or appointed to a Board, before entering on his or her duties as a Board member, shall take and subscribe before the secretary of the Board or before any person authorized to administer an oath, the oath or affirmation of allegiance in the following form, in English or French:

I, *FIRST AND LAST NAME OF TRUSTEE*, do swear that I will be faithful and bear true allegiance to His Majesty King Charles III

Sworn before me at _____ In the Province of Ontario _____

this _____ day of _____ 20_____

Secretary of the Board or designate Board Member

(4) Filing of declaration and oath – The declaration and oath or affirmation of allegiance shall be filed with the secretary of the Board within eight days after the making or taking thereof, as the case may be.
[S.O. 1994, c.23, s.65; 1997, c. 31, s 108]

Trillium Lakelands District School Board

Administrative Report

Date: August 20, 2024
To: Governance and Policy Committee
Origin: Director of Education Wes Hahn
Subject: Director's Performance Appraisal- appointment of an entity to facilitate the feedback process
Reference: Governance and Policy Committee Meeting August 27, 2024

Purpose

To present to the Governance and Policy Committee a recommendation related to the appointment of a third-party entity to support the feedback process as part of the Director's Annual Performance Appraisal.

Context

The *Better Schools and Student Outcomes Act, 2023* provided legislation related to the development of a common and consistent process for the annual performance appraisal of Directors of Education by school board Trustees across the Province. Ontario Regulation 83/24 and associated Technical Guides sets out the requirements of the new process, inclusive of date requirements for completion of certain tasks in the evaluation cycle. The Technical Guidelines include the requirement for school boards to engage an 'entity' (third party service provider) to support the collection of feedback as part of the appraisal process.

Content

The Critical Thinking Consortium is an organization that works specifically with educators and their organizations to foster and support innovation, proactive leadership, and organizational change. Executive Director Usha James has historically engaged with TLDSB to support leadership development with the senior team and with system consultants, and was instrumental in leading the Multi-Year Strategic Plan development process. Ms. James has also been instrumental in assisting TLDSB to analyze data from the student and educator voice forums to assist the senior team to make strategic moves toward improvement.

Ms. James has agreed to engage with a limited number of school boards in relation to the Director's Performance Appraisal feedback process. Due to her extensive understanding of the strategic directions and goals in TLDSB, as well as her existing relationships with Trustees, the senior team, and system leaders, it is recommended that the Governance and Policy Committee approve the appointment of Usha James from the Critical Thinking Consortium to be the third party/ entity to assist with the facilitation of the feedback process for the Director's Performance Appraisal. The Director's Performance Appraisal Committee has confirmed their support.

Action

Recommendation: that the Governance and Policy Committee approve engaging Usha James, Executive Director of the Critical Thinking Consortium, to facilitate the Director's Performance Appraisal feedback process and produce any related reports, and that the approval be advanced to the public meeting of the board for ratification.