**BOARD (PUBLIC)** **27 February 2018**
**Report 18-031**

# Code of Conduct

Key Contact: Michele Giroux, Executive Officer, Corporate Services, (613) 596-8211 ext. 8310

## PURPOSE:

1. To consider a complaint under the Code of Conduct; determine whether there has been a contravention of the Code; and, if necessary, determine what action, if any, the Board might take.

## CONTEXT:

2. The school district has a Code of Conduct policy which establishes standards of practice and behavior for the Board of Trustees. In November 2017, a complaint was filed by Trustee Braunovan alleging a breach of the Code by Trustee Blackburn relating to the civil behavior sections of the Code. The Board appointed Trustees Scott and Schwartz, as alternate trustees in accordance with section 4.2 of the policy. Trustees Scott and Schwartz reviewed the complaint and determined that it met the requirements of the policy and that a formal review of the complaint would begin, using a third party investigator. An investigator was retained and has completed the review and submitted a report to the Board. Under the policy, the investigator's report is a finding of facts and does not include a determination of whether the Code has been breached nor does it provide any recommendations. The Board must review the finding of facts and determine whether the Code has been breached. If the Board determines the Code has been breached then it must also determine what action, if any, shall be taken.

## KEY CONSIDERATIONS:

3. **Facts and Findings**
The Code of Conduct complaint was received on November 3, 2017. The policy allows for both a formal and informal complaint resolution process. This complaint was filed as a formal complaint. A copy of the complaint was distributed to trustees in accordance with section 4.19. The complaint alleges that Trustee Blackburn's behavior was inconsistent with the Civil Behaviour

expectations established in sections 3.18 to 3.21 of the Code of Conduct policy. The complaint related to the contents of an email message sent by Trustee Blackburn to Trustee Braunovan.

A formal review was initiated and an independent third party investigator was retained by the District in accordance with the provisions of the policy. The investigator was provided with a copy of the email in question and invited the two trustees to meet with him to share the facts from their perspective. Both trustees were provided with an opportunity to review the draft report of the investigator. The final report has now been received. In accordance with section 4.26 of the policy the final report of the investigator is a finding of facts, but does not contain a recommendation or opinion as to whether the Code of Conduct has been breached. That must be determined by the Board of Trustees as a whole. The Board shall consider only the findings in the final report when voting on the decision and sanction.

A copy of the investigator's report is attached as Appendix A to this report. The investigator's report includes as appendices, the complaint, the original emails, a copy of the Code of Conduct policy and other related documents.

4. **Process**

The determination of a breach of the Code of Conduct and the imposition of a sanction 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. Staff and legal counsel will be in attendance at the meeting to assist the Board in understanding its administrative and legislative responsibilities in this regard.

The Board will meet in public to make decisions with respect to the breach and if necessary, any further action. If at any time, the nature of the discussion meets the provisions of section 207(2) of the *Education Act*, the Board shall move in camera.

*"The meeting may be closed to the public if the breach or alleged breach involves:*

*a) The security of the property of the Board;*
*b) The disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board or a pupil or his or her parent or guardian;*
*c) The acquisition or disposal of a school site;*
*d) Decisions in respect of negotiations with employees of the Board; or*
*e) Litigation affecting the Board."*

5. **Participation in Decision-making**

In terms of participation in the process, both parties to the complaint had equal opportunity to provide facts to the investigator – through interview or in writing. Both parties also had the opportunity to review and comment on the investigator's report before the final report was prepared.

The Code of Conduct policy, section 4.33, provides the following restrictions on participation in the decision-making:

> "*The trustee who is alleged to have breached the Code of Conduct:*
> *a) may be present during the deliberations;*
> *b) shall not participate in the deliberations;*
> *c) shall not be required to answer any questions at that meeting; and*
> *d) shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction*."

Except for the trustee who is alleged to have contravened the Code, all members of the Board may vote on decisions regarding Code of Conduct. The trustee who filed the complaint is entitled to vote.

Decisions made under the Code of Conduct policy require a vote of at least 2/3 of the Trustees of the Board elected or appointed At the OCDSB this means a vote of 8/12 is required in order for a motion to be carried, although only 11 members are eligible to vote. This is not adjusted for absences - meaning that if only 7 members were present, no motion could be carried. Similarly, the required vote is not adjusted for abstentions – if 3 members abstained from voting, no motion could be carried.

## 6. Decisions to be made

The first decision which the Board must make is whether a breach of the Code of Conduct policy has occurred. In making this decision, the Board must focus their deliberation on this particular complaint using the investigator's report as the statement of facts. The Board shall not consider previous complaints, or any previous conduct as evidence in making this decision.

Section 4.30 of the policy provides that "*The Board shall consider only the findings in the final report when voting on the decision and sanction. No trustee shall undertake his/her own investigation of the matter."*

In order to ensure clarity in decision-making, any motion put forward regarding a breach should be structured as follows:

> *Upon review of the facts as documented in the investigator's final report dated (insert date) regarding a Code of Conduct complaint filed by (insert name) in relation to (insert name), the Board finds:*
>
> *THAT Trustee _____ has breached Sections 3.18, 3.19, 3.20 and 3.21 of Policy P.073, Board Member Code of Conduct, in relation to*

This structure ensures clarity of decision-making whether the motion is carried or fails.

## 7. Application of Sanctions

If the Board determines that there has been a breach of the Code of Conduct, it must then determine whether a sanction shall be imposed. No sanction shall be imposed where the Board decides the trustee took all reasonable measures to

prevent the breach; the contravention was trivial or committed through inadvertence; or an error of judgment was made in good faith.

Under the *Act*, the sanctions available to the Board are:

- censure of the Board member;
- bar the Board member from attending all or part of a meeting of the Board or a meeting of a committee of the Board; or
- bar the Board member from sitting on one or more committees of the Board, for the period of time specified by the Board, not to exceed six months.

The Board shall not impose a sanction that is more onerous than the above but may impose one that is less onerous, such as a warning. The Board has no power to declare the trustee's seat vacant. In making decisions with respect to sanctions, the Board is encouraged to be clear and specific, referencing the type of sanction to be imposed and the names/dates/time period for any sanctions relating to committees. For example:

- "The Board hereby censures Trustee (insert name ) for failing to adhere to sections xx of the Board Member Code of Conduct policy"; or
- "Bars Trustee xx from attending all or part of a meeting of (describe meeting) to be held on (insert date); or
- "Bars Trustee xx from sitting on the (insert name) Committee for a period of (insert time);

Decisions with respect to sanctions also require a 2/3 majority vote.

8. **Notice and Appeal Mechanisms**

Should a member be deemed to have breached the Code, the member is entitled to notice and there is an established appeal process.

*If a Board determines that a Board member has breached this Code of Conduct, the Board shall:*

*a. give the Board member written notice of the determination and of any sanction imposed by the Board;*

*b. the notice shall inform the Board member 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 14 days after the notice has been received by the Board member; and*

*c. consider any submissions made by the Board member and shall confirm or revoke the determination within 14 days after the submissions are received from the Board member.*

## RESOURCE IMPLICATIONS

9. There are three primary areas of cost associated with a Code of Conduct complaint; legal fees, investigation costs, and staff time. As this is the first time the formal complaint process of the policy has been exercised, considerable more staff time and legal clarification was required to ensure the legislative authority and policy framework were fully understood and that the processes put in place would serve the district for this complaint and any future complaints.

The investigation costs and legal fees are funded through the legal services budget and are estimated to be between $8,000 and $12,000. In terms of staff time, it is estimated that the administration of this complaint involved between 40 and 50 hours of work.

## SUMMARY

10. The Board must consider the finding of facts and make decisions based on the following questions:

- With respect to the Code of Conduct complaint dated November 3, 2017 and based on the final report of the investigator, did Trustee Blackburn contravene the Code of Conduct?
- If yes, does the Board wish to apply a sanction?
- If the Board wishes to apply a sanction, which sanction and what are the specific provisions of that sanction?

Michele Giroux
Executive Officer, Corporate Services

Jennifer Adams
Director of Education and
Secretary of the Board

Attachments:
Appendix A: Code of Conduct Investigator's Final Report

[redacted]

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# FINAL REPORT

January 23, 2018

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[redacted]

## Mandate

On November 10, 2017 I was retained by the Ottawa-Carleton District School Board to act as an external investigator into a complaint under the organization's *Board Member Code of Conduct*. The complaint, which was received by the Board on November 3, 2017, was brought by Trustee Erica Braunovan against Trustee Donna Blackburn. The investigation is to be conducted under the Formal Review provisions of the *Code of Conduct*.

The mandate of this investigation is to collect and assess the facts alleged in the complaint and to provide a written report. The Formal Review provisions require that a draft written report is to be provided to the trustee who is alleged to have breached the *Code of Conduct* and the trustee who brought the complaint (referred to from this point on as the "parties") for comment before the final report is prepared.

This is the final report, and it sets out the steps taken in the investigation and outlines the evidence that has been collected. Ms Braunovan's comments on the draft have also been incorporated into this report. Ms Blackburn did not provide any comments. Finally, this report does not contain a recommendation or opinion as to whether the *Code of Conduct* has been breached. That determination is made by the Board of Trustees as a whole after it receives the final report.

## Background and Process

### Contact

My contact for the investigation is Michele Giroux, Executive Officer (Corporate Services) of the Board. Ms Giroux provided me with copies of all of the relevant documents in connection with handling of the complaint up to the date of my appointment as well as copies of the relevant Board policies. She also provided direction regarding the scope of the investigation and acted as a neutral point of initial contact with the parties.

### Board Policies

The objective of the *Board Member Code of Conduct*, which applies to the parties, is to "establish a standard of conduct and a mechanism for managing inappropriate conduct for Ottawa-Carleton District School Board members in discharging their duties."

All members of the Board are expected to uphold the letter and spirit of the *Code of Conduct*, a copy of which is attached at **Tab 1**.

The *Code of Conduct* includes the following provisions under the heading Integrity and Dignity of Office:

> 3.6 Board members shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

3.7 Board members 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 the students of the entire District.

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

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

The provisions set out under the heading Civil Behaviour are as follows:

3.15 Board members shall not engage in conduct that would discredit or compromise the integrity of the Board during meetings of the Board or at any other time.

3.16 Board members shall not make allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, in bad faith or vindictive in nature against another member of the Board.

3.17 When expressing individual views, Board members shall respect the differing points of view of other Board members, staff, students and the public.

3.18 Board members shall, at all times, act with decorum and shall be respectful of other Board members, staff, students and the public.

3.19 All Board members shall endeavour to work with other Board members and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

3.20 All Board members shall have regard for, and model, the behavioral expectations referenced in Policy P.012.GOV, Board Governance, Policy P.125.SCO, School Board Code of Conduct, and Policy P.009.HR: Respectful Workplace (Harassment Prevention).

> 3.21 All members of the Board shall understand their responsibility for contributing to a respectful workplace, and make every reasonable effort to resolve issues arising as a result of friction, conflict or disagreement in a respectful and professional manner that contributes to a healthy and productive workplace.

Sections 4.15 – 4.17 of the *Code of Conduct* establish an Informal Review Process for the resolution of complaints without requiring that a formal written complaint be submitted. The Formal Review requires a written, signed complaint, and it is described in sections 4.18 – 4.27 of the *Code of Conduct*.

Section 3.20 of the *Code of Conduct* refers to 3 other Board documents: Policy P.012.GOV, *Board Governance*; Policy P.125.SCO, *School Board Code of Conduct*; and Policy P.009.HR: *Respectful Workplace (Harassment Prevention)*.

The provisions of the *Board Governance* policy which are relevant to this complaint include section 3.6; section 3.10 (g); section 4.14; and section 4.19. A copy of the *Board Governance* policy is attached at **Tab 2**.

The provisions of the *School Board Code of Conduct* policy which are relevant to this complaint include section 3.0 c); and section 4.2 a) iii). A copy of the *School Board Code of Conduct* policy is attached at **Tab 3**.

The provisions of the *Respectful Workplace (Harassment Prevention)* policy which are relevant to this complaint include sections 3.2 a), c), d), and e); section 4.2 a); section 4.3; and section 4.7. A copy of the *Respectful Workplace (Harassment Prevention)* policy is attached at **Tab 4**.

**Complaint**

Ms Braunovan alleges that an email that she received from Ms Blackburn on October 29, 2017 at 10:07 pm breached the Board's *Code of Conduct*. Ms Braunovan submitted a copy of the email along with her written complaint to the Board on November 3, 2017, and a copy is attached at **Tab 5**.

**Interviews**

I informed everyone who I interviewed that the matters that we discuss during the interview are confidential.

I interviewed Ms Braunovan on November 21, 2017 in my offices at 343 Preston St., Suite 1100, Ottawa.

Ms Blackburn declined to provide a written response to the complaint or to be interviewed as part of this investigation.

**Documents**

Copies of the following documents are attached at **Tabs 1-6**:

**Tab 1**: Copy of the *Board Member Code of Conduct*;
**Tab 2**: Copy of the *Board Governance* policy;
**Tab 3**: Copy of the *School Board Code of Conduct* policy;
**Tab 4**: Copy of the *Respectful Workplace (Harassment Prevention)* policy;
**Tab 5**: Copy of the written complaint received on November 3, 2017;
**Tab 6**: Copy of the October 29 and 30 email exchange between Ms Blackburn and Ms Braunovan.

## Allegations

### Interview with Ms Braunovan

Ms Braunovan says that she read the email from Ms Blackburn shortly after she received it on the evening of Sunday, October 29, 2017. She had been running for the nomination as the NDP candidate for the riding of Ottawa Centre, and during a meeting that took place earlier that day, she found out at approximately 5:00 pm that she had lost her bid for the nomination.

Ms Braunovan's initial response to the email was to reply to Ms Blackburn by email and to ask her to stop sending messages like this to her, which she did the following morning. She copied her response to all of the other trustees and the Director of Education. Ms Blackburn replied to Ms Braunovan's response soon after. Ms Braunovan says that she in turn replied to Ms Blackburn's second email by copying and pasting her (Ms Braunovan's) original response, which had asked Ms Blackburn to stop sending messages like this to her, and sending it to Ms Blackburn again. A copy of the first 3 emails in the October 29 and 30 email exchange between Ms Blackburn and Ms Braunovan is attached at **Tab 6**.

Ms Braunovan says that the Chair of the Board responded to Ms Blackburn's email and asked Ms Blackburn to stop. Mr. Ellis also responded, and Ms Blackburn replied to him with an insult. She was copied on all of these responses, says Ms Braunovan, but she took no further action regarding Ms Blackburn's original October 29 email at that time. A few days later, however, likely on November 2, Ms Braunovan was contacted by a reporter who purported to have copies of all of the emails described above. At that point, says Ms Braunovan, she decided to file a *Code of Conduct* complaint about Ms Blackburn's October 29 email. She would have preferred that the matter was not reported at all in the

media, says Ms Braunovan, because in her view, it makes the entire Board look dysfunctional. However, once she learned that a reporter had all of the emails, she decided to stand up for herself and file a complaint, Ms Braunovan says.

The October 29 email from Ms Blackburn was entirely unprovoked, says Ms Braunovan, as she has made every effort not to engage with Ms Blackburn about anything that does not relate directly to the work of the OCDSB. She had not discussed her bid for the nomination as the NDP candidate at all with Ms Blackburn, so if Ms Blackburn had "predicted" that her bid would be unsuccessful, she had not mentioned this to her, Ms Braunovan says.

By way of background, Ms Braunovan says that starting soon after she was sworn in as a trustee, she received many mean-spirited, disrespectful, and unwelcome communications from Ms Blackburn, including emails, text messages, and phone calls. One notable example, which is referred to in Ms Blackburn's October 29 email, is a series of offensive text messages that Ms Blackburn sent to Ms Braunovan about her (Ms Braunovan's) children, an incident which resulted in a complaint and which was covered in the local media.

[redacted] is also mentioned in Ms Blackburn's October 29 email, [redacted] Ms Braunovan says that [redacted] remarks about the texts were [redacted] own, and that she had no role in what [redacted] chose to say.

Ms Braunovan says that she released copies of Ms Blackburn's offensive texts to a reporter after negative comments by Ms Blackburn about [redacted] SEAC appeared in the media. Ms Blackburn had also referred to Ms Braunovan's complaint about the offensive texts as frivolous.

Ms Braunovan says that the October 29 email from Ms Blackburn is disrespectful and mean-spirited. Among other things, it suggests that Ms Braunovan has put her "personal political goals" ahead of the interests of the OCDSB. The email is also insulting, says Ms Braunovan, because Ms Blackburn calls her "arrogant" and says "the OCDSB is stuck with you". The context of Ms Blackburn's comments regarding [redacted] and the "texts" is set out above, and Ms Braunovan says that bringing up that whole issue again was deeply offensive to her. Ms Blackburn's allegation that Ms Braunovan is "diverting the corruption that has gone on at SEAC" could be a reference to the time when Ms Braunovan released copies of the offensive texts about Ms Braunovan's children to a reporter and after she criticized Ms Blackburn for making disrespectful and inflammatory comments about [redacted] that committee, says Ms. Braunovan, although she is not certain. In any event, the suggestion that she is aware of any corruption at SEAC, or is diverting attention from corruption there, is offensive and harmful to her reputation in the community.

As stated above, Ms Blackburn declined to provide a written response to the complaint or to be interviewed as part of this investigation.

Andrew Tremayne
Ottawa, Ontario
January 23, 2018

# Tab 1

OTTAWA-CARLETON
DISTRICT SCHOOL BOARD

**POLICY P.073.GOV**

**TITLE: BOARD MEMBER CODE OF CONDUCT**

**Date issued: June 1999**
**Revised: 26 April 2016**
**Authorization: Board 10 May 1999**

## 1.0 OBJECTIVE

To establish a standard of conduct and a mechanism for managing inappropriate conduct for Ottawa-Carleton District School Board members in discharging their duties as the legislative officers of the Board entrusted with the duty as fiduciaries to act at all times with the utmost good faith and respect in the best interests of the organization.

## 2.0 DEFINITION

In this policy,

2.1 **Board** means the Board of Trustees of the Ottawa-Carleton District School Board.

2.2 **Conflict of interest** exists when the decisions and/or actions of a trustee during the course of exercising his/her duties are affected by or perceived by another party or person to be affected by the trustee's personal, financial or business interest or the personal, financial or business interests of a relative, friend, and/or business associate of the trustee.

2.3 **District** means the Ottawa-Carleton District School Board.

2.4 **Fiduciary duty** means legal responsibility for what belongs to another, that is, trusteeship.

2.5 **Formal Review Process** means the process whereby a written, signed complaint of an alleged breach is formally investigated and a written response has been provided to the Board.

2.6 **Informal Review Process** means the process whereby the Chair of the Board meets with a trustee informally, and in private, to discuss an alleged breach and any remedial measures to correct the offending behaviour.

2.7 **Respect** means honouring oneself and others through words and actions, supporting diversity of beliefs, and treating the world and everything in it with dignity.

2.8 **Trustee** means a member of the Board elected or appointed in accordance with the *Municipal Elections Act* and the *Education Act*, and includes student trustees who are elected by the Student Senate and Students' President Council to represent the interests of students on the Board.

## 3.0 POLICY

Code of Conduct

3.1 The Board believes that the conduct of its members is integral to the quality of work, the reputation and the integrity of the Board of Trustees.

3.2 All members of the Board shall be governed equally by this code of conduct and are expected to uphold the letter and spirit of this Code of Conduct.

3.3 The Code of Conduct shall apply to members of the Board with respect to issues raised by, and amongst, members of the Board.

Compliance with Legislation

3.4 Board members shall discharge their duties in accordance with the *Education Act* and any regulations, directives or guidelines thereunder, and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, and any other relevant legislation.

3.5 Board members shall recognize that they are not immune from liability for illegal or negligent actions or for statements which may be considered libel or slander made in the course of a meeting or published (including publication by electronic means).

Integrity and Dignity of Office

3.6 Board members shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.

3.7 Board members 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 the students of the entire District.

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

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

Avoidance of Personal Advantage and Conflict of Interest

3.10 Board members shall declare any direct or indirect pecuniary interest in a matter before the Board.

3.11 Board members shall not accept a gift, hospitality or benefits from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift,

hospitality or benefit could influence the member when performing his or her duties to the Board.

a) Notwithstanding the above, in limited circumstances where it would be impolite or otherwise socially inappropriate to refuse a gift of obvious value, the gift may be accepted on behalf of the Board and reported to the Chair or Vice-Chair, but may not be taken home for the trustee's home or personal use or enjoyment.

b) Acceptable gifts include holiday gifts such as fruit baskets or candy, inexpensive advertising and promotional materials such as pens or key chains, inexpensive awards to recognize service and accomplishment in civic, charitable, educational or religious organizations such as nominal gift certificates to book stores.

3.12 Board members shall not use the office of trustee or the resources of the District for personal gain, or to advance their interests or the interests of any family member or person or organization with whom or with which the member is associated.

3.13 Board members shall not use their office to obtain employment with the District for themselves or a family member.

3.14 Board members shall not use their office or any benefits derived therefrom for the purpose of seeking election or re-election to office.

Civil Behaviour

3.15 Board members shall not engage in conduct that would discredit or compromise the integrity of the Board during meetings of the Board or at any other time.

3.16 Board members shall not make allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, in bad faith or vindictive in nature against another member of the Board.

3.17 When expressing individual views, Board members shall respect the differing points of view of other Board members, staff, students and the public.

3.18 Board members shall, at all times, act with decorum and shall be respectful of other Board members, staff, students and the public.

3.19 All Board members shall endeavour to work with other Board members and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

3.20 All Board members shall have regard for, and model, the behavioral expectations referenced in Policy P.012.GOV, Board Governance, Policy P.125.SCO, School Board Code of Conduct, and Policy P.009.HR: Respectful Workplace (Harassment Prevention).

3.21 All members of the Board shall understand their responsibility for contributing to a respectful workplace, and make every reasonable effort to resolve issues arising as a result of friction, conflict or disagreement in a respectful and professional manner that contributes to a healthy and productive workplace.

Respect for Confidentiality

3.22 Board members shall maintain the confidentiality of privileged information discussed in closed sessions.

3.23 Board members shall not use/disclose confidential information for any purpose, including for personal gain or to the detriment of the Board.

3.24 Board members shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Board members becomes aware of because of his or her position, except when required by law or authorized by the Board to do so.

3.25 Board members shall ensure that any personal information collected, used or disclosed by him or her is done in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

3.26 A Board member's duty of confidentiality with respect to private and confidential financial, business and/or commercial information, personnel information, student information, and legal matters and opinions extends beyond their term as a trustee. Inappropriate use of confidential information may constitute a criminal breach of trust contrary to section 122 of the Criminal Code (Canada).

Upholding Decisions

3.27 All Board members shall accept that authority rests with the Board, and that a Trustee has no individual authority other than that delegated by the Board.

3.28 Each Trustee shall uphold the implementation of any Board resolution after it is passed by the Board. A proper motion for reconsideration or rescission, if permitted by the Board's By-Laws and Standing Rules, can be brought by a Trustee.

3.29 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.

3.30 Each Trustee shall comply with Board policies, procedures, By-Laws and Standing Rules.

3.31 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 Board to do so. When individual Trustees express their opinions in public, they must make it clear that they are not speaking on behalf of the Board.

## 4.0 SPECIFIC DIRECTIVES

Role of the Chair/Presiding Officer

4.1 The Code of Conduct applies equally to all Board members including the Chair of the Board. In the case of an allegation of a breach of the Code by the Chair, wherever a process requires action by the Chair, it shall be modified to read Vice-Chair.

4.2 Each year, the Board shall appoint two trustees to serve as alternate trustees to be used when the circumstances warrant that one or both trustees are needed in place of the Chair and/or Vice-Chair of the Board to carry out any of the duties required under this Code of Conduct.

4.3 In no circumstance shall the trustee(s) who brought the complaint of a breach of the Code of Conduct or the trustee who is alleged to have breached the Code be involved in the management or administration of the review of the complaint.

4.4 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 been guilty of improper conduct at the meeting. For greater certainty, this may be done at the sole discretion of the Chair or Presiding Officer, as the case may be, and without the necessity of a complaint or conducting an inquiry before an expulsion or exclusion from a meeting. The rationale for this provision is that a Chair or Presiding Officer must have the ability to control a meeting. Any Trustee who does not abide by a reasonable expulsion or exclusion from a meeting is deemed to have breached this Code.

4.5 Any trustee who does not abide by a reasonable expulsion or exclusion from a meeting shall be deemed to have breached this Code.

4.6 The Chair of the Board or Presiding Officer of any meeting of the Board or committee of the Board shall exercise his/her powers in a fair and impartial manner having due regard for every trustee's opinion or views.

4.7 The Chair of the Board or Presiding Officer shall follow the Board's By-Laws and Standing Rules. A breach of a rule of order should be dealt with at the meeting in question by a Trustee rising to a point of order or appealing a ruling of the Chair in accordance with any applicable rule of order. Once such a motion is dealt with by the Board of Trustees, all Trustees shall abide by that decision and no further action shall be undertaken pursuant to the enforcement of the Code of Conduct, except for persistent improper use of the applicable rules of order by the Chair or Presiding Officer.

4.8 Persistent improper use of the rules of order by the Chair or Presiding Officer is deemed to be a breach of this Code.

4.9 A Board member who believes that another Board member's behavior has been egregious, shall raise his or her concern with that Board member.

4.10 Where a conflict arises between Board members, opportunities for resolution should be sought, or may be presented, by the parties to the conflict in order to resolve the matter.

<u>Identifying a Breach of the Code</u>

4.11 A Board member who has reasonable grounds to believe that another Board member has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board through the Chair of the Board.

4.12 Any allegation of a breach of the Code must be brought to the attention of the Chair of the Board no later than six (6) weeks after the alleged breach comes to the knowledge of the trustee reporting the alleged breach. Notwithstanding the foregoing, in no circumstance shall a review of an alleged breach of the Code be initiated after the expiration of six (6) months from the time the contravention is alleged to have occurred.

4.13 There are two methods for conducting an investigation of an allegation of a breach of the Code of Conduct:

i. Informal Review Process; or

ii. Formal Review Process.

4.14 It is expected that whenever possible, allegations of a breach of the Code of Conduct by a trustee shall be investigated using the Informal Review Process. It is recognized that from time to time a contravention of the Code may occur that is trivial, or committed through inadvertence, or an error of judgment made in good faith. In the spirit of collegiality and the best interests of the Board, the first purpose of alerting a trustee to a breach of the Code is to assist the trustee in understanding his/her obligations under the Code. Only serious and/or recurring breaches of the Code by a trustee should be investigated following the Formal Review Process.

Informal Review Process

4.15 The Chair of the Board, on his/her own initiative, or at the request of a trustee of the Board (without the necessity of providing a formal written complaint) who alleges 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 alleged breach. The purpose of the meeting is to bring the allegation of the breach to the attention of the trustee and to discuss possible remedial measures to correct the offending behaviour. The informal review process is conducted in private.

4.16 As a remedy, the parties may agree to a remedial measure that is appropriate to the nature of alleged breach, for example, an apology.

4.17 If the Chair of the Board and the trustee alleged to have breached this Code cannot agree on a remedy, 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 Review Process below.

Formal Review Process

4.18 A Trustee who has reasonable grounds to believe that another trustee of the Board has breached the Board's 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:

a) the name of the trustee who is alleged to have breached the Code;

b) a statement of fact about the alleged breach of the Code;

c) information as to when the breach came to the trustee's attention;

d) the grounds for the belief by the trustee that a breach of the Code has occurred; and

e) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach.

If a written complaint is filed with the Chair of the Board then a Formal Review shall be undertaken, unless the complainant subsequently withdraws the complaint or agrees that the complaint may be dealt with in accordance with the Informal Review Process.

4.19 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. 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.

Refusal to Conduct Formal Review

4.20 If the Chair and Vice-Chair of the Board are of the opinion that the complaint is:

a) out of time;

b) trivial, frivolous, vexatious;

c) not made in good faith; or

d) there are no grounds or insufficient grounds for a formal review,a formal review shall not be conducted.

A confidential report stating the reasons for not conducting a formal review shall be provided to all trustees of the Board.

If the Chair and Vice-Chair of the Board cannot agree on the above then a full formal review shall be conducted.

4.21 If an allegation of a breach of the Code of Conduct, on its face, is with respect to the non-compliance of a Board policy with a separate and more specific complaints resolution procedure, the allegation shall be processed under that procedure.

Steps of Formal Review

4.22 If a formal review of an allegation of a breach of the Code of Conduct is undertaken, it shall be done by:

a) The Chair and Vice-Chair of the Board, if appropriate (see Section 4.1); or

b) Any two of the Chair, Vice-Chair and the alternate trustees (see Sections 4.2 and 4.3); or

c) An outside consultant chosen by the Chair and Vice-Chair.

4.23 The Chair and Vice-Chair shall determine if the formal review will be undertaken by an outside consultant.

4.24 Regardless of who undertakes the formal review, it shall be undertaken using the following steps:

a) Procedural fairness and the rules of natural justice shall govern the formal review. The formal review will be conducted in private and, to the extent possible, protecting the confidentiality of the parties involved.

b) The formal review 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.

c) The trustee who is alleged to have breached the Code of Conduct shall receive details of the allegation and have an opportunity to respond to the allegations both in a private meeting with the person(s) undertaking the formal review and in writing.

d) It is expected that the formal review will be conducted within a reasonable period of time which will depend on the circumstances of the case. 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 circumstance.

e) If the trustee who is alleged to have breached the Code of Conduct refuses to participate in the formal review, the formal review will continue in his/her absence.

4.25 Once the formal review is complete, the investigators shall provide a confidential draft copy of their report containing the findings of fact to the trustee who is alleged to have breached the Code of Conduct and the trustee who brought the complaint for their written comment to the investigator(s). The purpose of providing the draft report to the parties is to ensure no errors of fact are contained in it. The two trustees shall have up to ten (10) days (or such greater period of time as deemed appropriate by the investigators) from the receipt of the draft report to provide a written response.

4.26 The final report of the investigators shall outline the finding of facts, but not contain a recommendation or opinion as to whether the Code of Conduct has been breached. This will be determined by the Board of Trustees as a whole.

4.27 If the Chair and Vice-Chair of the Board when conducting the formal review cannot agree on the final finding of facts, it shall be referred to an outside investigator to complete the formal review.

Suspension of Formal Review

4.28 If the investigators, when conducting the formal review, discover that the subject-matter of the formal inquiry is being investigated by police, that a charge has been laid, or is being dealt with in accordance with a procedure established under another *Act*, the formal review 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.

Decision

4.29 The final report shall be delivered to the Board of Trustees, and a decision by the Board of Trustees shall be made as soon as practical after receipt of the final report by the Board.

4.30 The Board shall consider only the findings in the final report when voting on the decision and sanction. No trustee shall undertake his/her own investigation of the matter.

4.31 The determination of a breach of the Code of Conduct and the imposition of a sanction 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 resolution and 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 elected or appointed.

4.32 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) being:

a) the security of the property of the Board;

b) the disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board or a pupil or his or her parent or guardian;

c) the acquisition or disposal of a school site;

d) decisions in respect of negotiations with employees of the Board; or

e) litigation affecting the Board.

4.33 The trustee who is alleged to have breached the Code of Conduct:

a) may be present during the deliberations;

b) shall not participate in the deliberations;

c) shall not be required to answer any questions at that meeting; and

d) shall not vote on a resolution to determine whether or not there is a breach or the imposition of a sanction.

4.34 The trustee who filed the complaint may vote on the resolution to determine whether or not there is a breach and/or the imposition of a sanction.

4.35 The trustee who is alleged to have breached the Code shall not, in any way, after the final report is completed, influence the vote on the decision of breach or sanction, except to appeal after the decisions have been made.

Sanctions

4.36 If the Board determines 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.

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

a) censure of the Board member;

b) barring the Board member from attending all or part of a meeting of the Board or a meeting of a committee of the Board; or

c) barring the Board member from sitting on one or more committees of the Board, for the period of time specified by the Board, not to exceed six months.

4.38 The Board shall not impose a sanction that is more onerous than the above but may impose one that is less onerous such as a warning. The Board has no power to declare the trustee's seat vacant.

4.39 A Board 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 the members of the public.

4.40 A sanction barring a trustee from attending all or part of a meeting 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.

Appeal

4.41 If a Board determines that a Board member has breached this Code of Conduct, the Board shall:

a) give the Board member written notice of the determination and of any sanction imposed by the Board;

b) the notice shall inform the Board member 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 14 days after the notice has been received by the Board member; and

c) consider any submissions made by the Board member and shall confirm or revoke the determination within 14 days after the submissions are received from the Board member.

4.42 If the Board revokes a determination any sanction imposed by the Board is also revoked.

4.43 If the Board confirms a determination that a Board member has breached this Code of Conduct, the Board shall, within the 14 days above, confirm, vary or revoke the sanction(s) imposed by the Board.

4.44 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 by the Board.

4.45 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 Board members elected or appointed.

4.46 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 Board member alleged to have breached the Code of Conduct shall not vote on those resolutions. The Board member who brought the complaint may vote.

4.47 The Board member 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.

4.48 If appropriate, the original sanction may be stayed pending consideration of the appeal by the Board of the determination or sanction.

Administrative Matters

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

a) Make a determination that a Board member has breached this Code of Conduct;

b) Impose a sanction on a Board member for a breach of this Code of Conduct;

c) Confirm or revoke a determination regarding a Board member's breach of this Code of Conduct; and

d) Confirm, vary or revoke a sanction after confirming or revoking a determination regarding a Board member's breach of this Code of Conduct.

4.50 The meeting may be closed to the public if the breach or alleged breach involves:

a) The security of the property of the Board;

b) The disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board or a pupil or his or her parent or guardian;

c) The acquisition or disposal of a school site;

d) Decisions in respect of negotiations with employees of the Board; or

e) Litigation affecting the Board.

4.51 A Board member who is alleged to have breached this Code of Conduct shall not vote on any of the resolutions listed above with regard to the alleged breach(s).

4.52 In an election year, a Code of Conduct complaint respecting a trustee who is seeking re-election shall not be initiated during the period 1 September and ending after the first Board meeting following the election. If the trustee who is the subject of the complaint is not re-elected, no review shall be undertaken. The limitation period for bringing a complaint shall be extended as necessary.

4.53 The Statutory Powers Procedure Act does not apply to any of the enforcement provisions under section 218.3 of the *Education Act*. No formal trial-type hearing will be conducted.

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

## 5.0 REFERENCE DOCUMENTS

The *Education Act* of Ontario and Regulations under the *Education Act*
*Municipal Conflict of Interest Act*, 1996

*Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M56
School Board Handbook, Ontario Public School Boards' Association (OPSBA), 1998
OCDSB By-laws and Standing Rules,
Board Policy P.012.GOV: Board Governance
Board Policy P.025.GOV: Board Member Conflict of Interest
Board Policy P.125.SCO, School Board Code of Conduct
P.009.HR: Respectful Workplace (Harassment Prevention)
Board Procedure PR.625.HR: Corporate Code of Conduct for Business Relationships

# Tab 2

OTTAWA-CARLETON
DISTRICT SCHOOL BOARD

**POLICY P.012.GOV**

**TITLE: BOARD GOVERNANCE**

**Date issued: 06 June 2012**
**Revised:**
**Authorization: Board: 12 June 2012**

## 1.0 OBJECTIVE

To establish principles for Board governance to encourage and support effective Board decision-making.

## 2.0 DEFINITIONS

In this policy,

2.1 **Board** means the Board of Trustees of the Ottawa-Carleton District School Board.

2.2 **Trustee** means a member of the Board elected or appointed in accordance with the *Municipal Elections Act and the Education Act*. Student trustees are elected by the Student Senate and Students' President Council to represent the interests of students on the Board.

2.3 **Board Governance** is the way in which the Board provides leadership, stewardship and oversight of the school district and its resources.

2.4 **District** means the Ottawa-Carleton District School Board.

2.5 **Upholding** means to respect and to ask for respect for Board decisions as an expression of collective community democratic will.

2.6 **Monitoring** refers to the process whereby the Board of Trustees oversee the progress of District goals, policies, priorities and performance targets to determine if they are on-schedule and meeting the pre-set objective.

2.7 **Governance Commitments** are the expression of values and beliefs to which the Board subscribes in the undertaking of its duties.

2.8 **Guiding Principles** are value statements that guide, influence, direct or support any action, decision or practice to which they are related.

## 3.0 POLICY

Governance Commitments

3.1 The Board recognizes that it is bound by all applicable laws.

3.2 The Board is committed to providing leadership and good governance to benefit public education, and is mindful of the impact of its decisions on individual communities and society at large.

3.3 The Board shall focus decision-making on the educational outcomes of student achievement and well-being, and support programs and services that seek to provide equity of access and successful outcomes for all students.

3.4 The Board shall maintain a strategic focus on the work of the District and shall govern with long term vision.

3.5 The Board is committed to transparency, ensuring compliance with legislative requirements and making every reasonable effort to hold all deliberations, debate and decision-making in public.

3.6 The Board is committed to ensuring an effective Board culture of collaboration, respect, trust, candor and open expression of diverse and divergent viewpoints.

3.7 The Board shall render all decisions with integrity, based on available facts, and in the best interests of the entire district without undue influence from individuals or special interest groups.

3.8 The Board shall engage in board professional development to increase the collective capacity of the Board as a whole.

3.9 The Board recognizes that there is a division of responsibility between the Board and the Director of Education as the Chief Executive Officer (see section 4.0).

Guiding Principles

3.10 When setting policy direction and making decisions the Board shall be guided by the following principles:

a) Making students the primary focus and ensuring the District's schools and programs meet the diverse educational needs of students in their communities;

b) Ensuring equity, accessibility and fairness of learning opportunities;

c) Recognizing, valuing, and celebrating the diversity of its community;

d) Considering the input of students, parents, staff and the wider community as appropriate through a meaningful consultation process;

e) Making efficient, effective and innovative use of its resources, based on sound planning and best available information;

f) Fostering vital and mutually beneficial relationships between schools, the populations they serve and the communities in which they are situated; and

g) Being professional, transparent, and acting with integrity and respect for all.

## 4.0 SPECIFIC DIRECTIVES

Roles and Responsibilities of the Board

Responsibility

4.1 The Board is responsible for promoting student achievement and well-being; ensuring effective stewardship of the board's resources; and ensuring the delivery of effective and appropriate education programs to its students.

Policy Development and Monitoring

4.2 The Board shall develop and maintain policies and make decisions that promote the goals of student achievement and well-being, stewardship of resources, and effective program delivery and encourages students to pursue their educational goals. The Board shall monitor and evaluate the effectiveness of its policies, directions and priorities in achieving the Board's goals and the efficiency of the implementation of these policies. The Board shall monitor the extent to which the direction, policies and priorities it has set have been met.

Multi-Year Planning

4.3 The Board shall consult with parents, students, supporters and employees in the development of a multi-year plan aimed at achieving the goals of student achievement and well-being, stewardship of resources, and effective program delivery and encourages students to pursue their educational goals. The plan shall include measures with respect to the allocation of resources to improve student outcomes. The Board shall annually review the plan with the Director of Education and ensure that the plan and progress reports on implementation of the plan are brought to the attention of parents, students, supporters and employees of the Board.

Director Evaluation

4.4 The Board shall monitor and evaluate the performance of the Board's Director of Education in accordance with its policies and have regard for his or her duties under the *Education Act*.

Board/Director Relations

4.5 The Board shall realize the potential of an effective Board-Director relationship; exercise its right to delegate authority to the Director for operational management; monitor the extent to which the direction, policies and priorities it has set have been met; and conduct annual performance appraisals of the Board and the Director.

Communication

4.6 The Board shall ensure effective communication with the community. It shall ensure the sharing of information on the activities and events taking place in the District, as well as the policies, procedures and decisions adopted by the Board. The Chair of the Board is the only spokesperson for the Board.

Stewardship of Resources

4.7 The Board shall demonstrate fiscal accountability and effectively use the resources entrusted to it for the purposes of delivering effective and appropriate education in a manner that upholds public confidence.

Advocacy

4.8 The Board shall make every effort to increase Board influence through political advocacy.

Roles and Responsibilities of Board Members

4.9 Board members are publicly elected and ultimately bear responsibility to the community as a whole.

4.10 Board members are responsible for bringing community members' concerns forward to the attention of the Board and balance their responsibility to the community with their duties as members of the board, collectively making decisions in the interests of all students.

4.11 Board members shall make themselves aware of the legislative, policy and operational requirements of the school board, and to be aware of current and emerging issues.

4.12 Board members shall respect the dignity of their office and shall not use their position for personal advantage or advancement.

4.13 Board members shall review agenda materials, arrive on time, regularly attend Board and committee meetings to which they have been appointed, and participate to the best of their ability.

4.14 Board members shall respect their colleagues and shall not contribute to unproductive debate or actions.

4.15 Once a decision has been reached by the Board, each member shall uphold the decision. Members are expected to be able to explain the rationale for a Board decision as required.

4.16 Board members shall respect and maintain confidences and confidential information.

4.17 Board members shall manage community communications effectively and diligently respond to requests for information.

4.18 Board members shall entrust the day to day management of the District to its staff through the Director of Education.

4.19 Board members shall comply with the Board's Code of Conduct.

Roles and Responsibilities of the Chair of the Board

4.20 In addition to any other duties under the *Education Act*, the Chair shall:

a) Preside over meetings of the Board;

b) Conduct the meetings in accordance with the Board's procedures and practices for the conduct of board meetings;

c) Establish agendas for Board meetings, in consultation with the Director of Education;

d) Ensure that members of the Board have the information needed for informed discussion of the agenda items;

e) Act as spokesperson to the public on behalf of the board, unless otherwise determined by the board;

f) Convey the decisions of the Board to the Director of Education;

g) Provide leadership to the Board in maintaining the Board's focus on its mission and vision; and

h) Assume such other responsibilities as may be specified by the Board.

Roles and Responsibilities of the Director of Education

4.21 The Director of Education is responsible for and accountable to the Board for the effective functioning of the school system in accordance with the strategic priorities and policies established by the Board and with any relevant statutory or regulatory requirements.

4.22 The Director of Education shall:

a) Provide educational leadership to the District and advising and counseling the Board on all educational matters;

b) Maintain a strategic focus and managing policy implementation;

c) Enhance communications and community relations;

d) Manage human resources and professional development;

e) Demonstrate fiscal accountability; and

f) Demonstrate a strong relationship with provincial officials, including advocacy for the District's needs.

4.23 In addition to his or her other duties under the *Education Act*, the Director of Education shall:

a) Annually review with the Board the multi-year plan;

b) Ensure that the multi-year plan establishes the Board's priorities and identifies specific measures and resources that shall be applied in achieving those priorities and in carrying out duties and responsibilities for student achievement;

c) Implement and monitor the implementation of the multi-year plan;

d) Act as Secretary to the Board;

e) Bring to the attention of the Board any act or omission by the Board that may result in a contravention of the *Education Act* or any policy, guideline or regulation made under the *Education Act*; and

f) If the Board does not respond in a satisfactory manner to an act or omission brought to its attention, advise the Deputy Minister of Education of the act or omission.

## 5.0 REFERENCE DOCUMENTS

*Education Act of Ontario and Regulations under the Education Act*
Bylaws and Standing Rules
Policy P.073.GOV: Board Member Code of Ethics
Policy P.025.GOV: Board Member Conflict of Interest
Policy P.130.GOV: Evaluation Process for the Board of Trustees
Policy P.051.GOV: Evaluation of Director of Education and Secretary of the Board
Policy P.001.GOV: Policy Development and Management
Policy P.110.GOV: Consultation by the Board, Schools and School Councils with Constituent Groups and the Wider Community
Policy P.114.GOV: Advocacy
Policy P.006.HR: Delegation of Authority – Human Resources
Policy P.007.FIN: Signing Authority and Spending Controls
Job Description for Board Member
Job Description for Director of Education and Secretary of the Board

# Tab 3

OTTAWA-CARLETON
DISTRICT SCHOOL BOARD

**POLICY P.125.SCO**

**TITLE: SCHOOL BOARD CODE OF CONDUCT**

**Date Issued: May 2008**
**Last Revised:**
**Authorization: Board: 13 May 2008**

## 1.0 OBJECTIVE

To outline the School Board Code of Conduct and to provide guidelines for the development of school codes of conduct.

## 2.0 DEFINITIONS

In this policy,

2.1 **Parent**(s) refers to parent(s) and guardian(s). Parental involvement applies, except in cases where the student is eighteen years of age or over or is sixteen or seventeen years of age and has "withdrawn from parental control".

2.2 **Persons in positions of authority** refer to members of the school such as principals, teachers, occasional teachers, administrative staff, support staff and volunteers.

2.3 The **school community** is composed of trustees, Board staff, students, parents and volunteers of the school and feeder schools/family of schools as well as the community of people in businesses that are served by or located in the greater neighbourhood of the school.

## 3.0 POLICY

It is the policy of the Board that:

a) a school be a place that promotes responsibility, respect, civility, accountability and academic excellence in a safe learning and teaching environment;

b) a positive school climate exists when all members of the school community feel safe, comfortable, accepted and valued;

c) all students, teachers, other staff members, volunteers, *trustees*, and parents have a responsibility to contribute to a positive school climate; and

d) the implementation of initiatives such as Student Success and character development, along with the employment of progressive discipline strategies to address inappropriate behaviour, fosters a positive and inclusive school climate that supports academic achievement and responsible citizenship for all students.

## 4.0 SPECIFIC DIRECTIVES

4.1 The Ottawa-Carleton District School Board Code of Conduct sets clear standards of behaviour that apply to all individuals (trustees, students, parents, volunteers, teachers and all other Board staff members) involved in the system when they are on District or school property, on school buses, at school related events or activities, or in other circumstances that could have an impact on the school climate.

4.2 The standards of behaviour in the OCDSB Code of Conduct fall into two categories:

a) In category one, all members of the school community shall:

(i) respect and comply with all applicable federal, provincial and municipal laws;
(ii) demonstrate honesty and integrity in all matters including copyright and academic acknowledgement;
(iii) respect differences in people, their ideas, and their opinions;
(iv) treat one another with dignity and respect at all times, and especially when there is disagreement;
(v) respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, gender identity, sexual orientation, age, or disability;
(vi) respect the rights of others;
(vii) show proper care and regard for school property and the property of others;
(viii) take appropriate measures to help those in need;
(ix) seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
(x) respect all members of the school community, especially persons in positions of authority; and
(xi) respect the need of others to work in an environment that is conducive to learning and teaching;

b) In category two, all members of the school community shall not:

(i) engage in bullying behaviours;
(ii) commit sexual assault;
(iii) traffic weapons or illegal drugs;
(iv) give alcohol to a minor;
(v) commit robbery;
(vi) be in possession of any weapon, including firearms;
(vii) use any object to threaten or intimidate another person;
(viii) cause injury to any person with an object;
(ix) be in possession of, or be under the influence of, or provide others with alcohol or illegal drugs;
(x) inflict or encourage others to inflict bodily harm on another person;
(xi) swear at any member of the school community;

(xii) engage in hate propaganda and other forms of behaviour motivated by hate or bias;
(xiii) commit an act of vandalism that causes damage to school property or to property located on the premises of the school; nor
(xiv) engage in plagiarism or other means of academic dishonesty.

4.3 Under the leadership of their principal, teachers and other school staff members maintain order in the school and shall hold everyone to the highest standard of respectful and responsible behaviour. As role models, teachers and school staff uphold these high standards when they:

a) help students work to their full potential and develop their sense of self-worth;

b) empower students to be positive leaders in their classrooms, school and community;

c) communicate regularly and meaningfully with students and parents;

d) maintain consistent standards of behaviour for all students;

e) demonstrate respect for all students, staff, parents, volunteers, and the members of the school community; and

f) prepare students for the full responsibilities of citizenship;

g) demonstrate conduct in keeping with the provincial Code of Conduct, the OCDSB Code of Conduct, and school rules.

4.4 Students shall demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. These standards are demonstrated when students:

a) come to school prepared, on time, and ready to learn;

b) show respect for themselves, for others, for those in authority, and for District and school property;

c) refrain from bringing anything to school that may compromise the safety of others; and

d) follow the established rules, take responsibility for their own actions, and encourage/assist peers to follow the rules of behaviour;
e) demonstrate conduct in keeping with the provincial Code of Conduct, the OCDSB Code of Conduct, and school rules.

4.5 Parents play an important role in the education of their children, and should support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill their role with respect to the OCDSB Code of Conduct when they:

a) show an active interest in their child's school work and progress;

b) communicate regularly and meaningfully with the school;

c) help their child be neat, appropriately dressed, organized, and prepared for school;

d) ensure that their child attends school regularly and on time;

e) promptly report to the school their child's absence or late arrival;

f) demonstrate conduct in keeping with the provincial Code of Conduct, the OCDSB Code of Conduct, and school rules;

g) encourage and assist their child in following the rules of behaviour;

h) assist school staff in dealing with disciplinary issues involving their child.

i) demonstrate respect for all students, staff, other parents, volunteers, and all other members of the school community; and

j) are engaged in the initiatives that foster a positive, safe school environment.

The school code of conduct shall include character development expectations as outlined in the Framework for Schools (Attachment 1).

4.6 The school code of conduct shall be consistent with provincial and OCDSB's Code of Conduct and shall set out clearly what is acceptable and what is unacceptable behaviour for all members of the school community.

4.7 The principal shall develop a communication plan that outlines how these standards of behaviour will be made clear to everyone, including parents and guardians whose first language is not English.

4.8 The principal shall seek input from the school council, parents, students, staff members, and the school community when developing a school code of conduct that is expressly tailored for their school.

4.9 The principal shall ensure that the school code of conduct is enforced in a fair and impartial manner.

4.10 The principal shall inform all members of the school community of the provincial, OCDSB, and school codes of conduct.

4.11 The OCDSB Code of Conduct and school codes of conduct shall be reviewed at least every three years and revised as necessary.

4.12 The Director of Education is authorized to issue such procedures as may be necessary to implement this policy.

## 5.0 APPENDICES

## 6.0 REFERENCE DOCUMENTS

*The Education Act*
Education Amendment Act (Progressive Discipline and School Safety) 2007
Ontario Regulation 472/07 Suspension and Expulsion of Students
Policy/Program Memorandum 128, the Provincial Code of Conduct and School Board Codes of Conduct, October 4, 2007
Policy/Program Memorandum 144, Bullying Prevention and Intervention, October 4, 2007
Policy/Program Memorandum 145, Progressive Discipline and Promoting Positive Student Behaviour, October 4, 2007
Board Policy P.032.SCO: Safe Schools
Board Policy P.124.SCO: Progressive Discipline and Promoting Positive Student Behaviour
Board Procedure: PR.521.SCO: Safe Schools
Board Procedure: PR.659.SCO: Bullying Prevention and Intervention
Board Procedure PR.660.SCO: Progressive Discipline and Promoting Positive Student Behaviour

# Tab 4

OTTAWA-CARLETON
DISTRICT SCHOOL BOARD

**POLICY P.009.HS**

# TITLE: RESPECTFUL WORKPLACE (HARASSMENT PREVENTION)

**Date issued:** 22 October 2013
**Last revised:** 22 November 2016
**Authorization:** Board: 22 October 2013

## 1.0 OBJECTIVE

To provide a workplace in which all workers are treated with respect and dignity by others with whom they interact in the workplace, and thereby work in an environment that is free of workplace harassment, bullying and disrespectful behaviour.

## 2.0 DEFINITIONS

In this policy,

2.1 **Board** means the Board of Trustees.

2.2 **Bullying** means aggressive and typically repeated behaviour by an individual where the behaviour is intended to cause harm, fear or distress to another individual, including physical, psychological, social harm, harm to the individual's reputation or harm to the individual's property, or to creating a negative environment for another individual. This behaviour occurs in a context where there is a real or perceived power imbalance between the bully and the victimized individual based on factors such as size, strength, age, intelligence, peer group power, economic, social or employment status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or special needs. Bullying behaviour includes the use of any physical, verbal, electronic, written or other means.

2.3 **Cyber-bullying** means Bullying specifically by electronic means and may include, but is not limited to, sending or posting harmful or malicious messages or images through email, instant messages, cell phones, websites, and other technology.

2.4 **Disrespectful behaviour** means behaviour that is or ought reasonably to be known to be disrespectful and/or unwelcome to an individual, or group, which diminishes the dignity of any person(s).

2.5 **District** means to the Ottawa-Carleton District School Board.

2.6 **Worker** means any of the following,
*a)* A person who performs work or supplies services for monetary compensation;

*b)* A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled;

*c)* A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution;

*d)* A person who receives training from the OCDSB, but who, under the Employment Standards Act, 2000, is not a worker for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met; and

*e)* Such other persons as may be prescribed who perform work or supply services to the OCDSB for no monetary compensation.

2.7 Poisoned work environment means a work environment or atmosphere where disrespectful behaviour from a series of events or a single serious remark or action has an adverse impact on an individual or a group, that may include psychological or physiological harm, feelings of intimidation, impaired job performance, reduced job satisfaction, increased absenteeism and/or turnover.

2.8 Respectful behaviour means behaviour that supports and creates a positive workplace.

2.9 Workplace means the site where the individuals are customarily employed, and includes all other places which result from employment responsibilities or employment relationships, including OCDSB or committee meetings, locations at work-related social functions, work assignments outside the site, field trips, work-related conferences or training sessions, and work-related travel.

2.10 **Workplace harassment** means

a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or

b) workplace sexual harassment or workplace racial or ethnocultural harassment.

2.11 **Workplace racial or ethnocultural harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace because of the worker's ancestry, place of origin, ethnic or national origin, citizenship, religion or any expression thereof (e.g. attire), where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.

2.12 **Workplace sexual harassment** means

a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

## 3.0 POLICY

Policy Statement

3.1 The Board recognizes the principle of basic human dignity. The Board is committed to providing a workplace in which all individuals are treated with respect and dignity, and where workplace harassment, bullying and other disrespectful behaviours are not tolerated, including by workers, students, parents, trustees, suppliers and others with whom employees interact in the course of their employment.

Guiding Principles

3.2 The District shall ensure through implementation of this policy that:

a) All workers are able to work in an environment which is free from workplace harassment, bullying and other disrespectful behavior.

b) Persons in a position of authority shall not use their authority inappropriately vis a vis another person.

c) Workers and all members of the District community understand their responsibility for contributing to a respectful workplace and model the character attributes Acceptance, Appreciation, Cooperation, Empathy, Fairness, Integrity, Optimism, Perseverance, Respect, and Responsibility.

d) All workers shall attempt to make every reasonable effort to resolve issues arising as a result of friction, conflict or disagreement in a respectful and professional manner that contributes to a healthy and productive workplace.

e) Complaints related to workplace harassment, bullying, disrespectful behavior or a poisoned work environment are taken seriously and addressed appropriately and in a timely manner.

## 4.0 SPECIFIC DIRECTIVES

4.1 Workplace harassment of any kind shall not be tolerated.

4.2 Workplace harassment may take the following forms:

a) verbal, including offensive words or jokes which demean persons on the basis of any form of discrimination, bullying, or intimidation;

b) environmental, including graffiti, defacement of private or public property including school lockers, pictures or cartoons that are demeaning of others based on any of the above forms of discrimination;

c) physical, including unwelcome physical contact or assault, offensive gestures, threatening physical behaviour, physical bullying; and

d) psychological, including deliberate isolation or ostracism, condescending or patronizing behaviour which undermines self-respect.

4.3 Disrespectful behaviour shall not be tolerated from anyone in the workplace. Forms of disrespectful behaviour may include, but are not limited to:

a) written or verbal comments, actions, gestures, behaviours or 'jokes' which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful, or belittling;

b) bullying or intimidating behaviour;

c) abuse of authority;

d) yelling, shouting, screaming, or swearing;

e) deliberately excluding or isolating a person from relevant work activities or decision-making;

f) stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics or role; and

g) devaluing or trivializing a person's successes, contributions or concerns.

4.4 Workplace harassment and disrespectful behaviour does not include a reasonable action taken by the OCDSB or supervisor relating to the management and direction of workers or the workplace, including but not limited to

a) training, direction, instruction, performance management, and discipline.

4.5 Respectful behaviour includes:

a) being polite and courteous;

b) treating others equitably and fairly;

c) accepting responsibility for actions, reactions, and behaviours that impact others;

d) respecting the differences in people;

e) respecting the rights of others;

f) showing proper care and regard for District property and for the property of others; and

g) demonstrating honesty and integrity.

4.6 Where a conflict arises between workers opportunities for resolution should be sought, or may be presented, by the parties to the conflict in order to resolve the matter. As such, the parties are encouraged to be open to reasonable solutions to the conflict at any time throughout the process. Workers shall have recourse to appropriate mechanisms for redress where an alleged incident of harassment or disrespectful behaviour is shown to have occurred.

4.7 All incidents of workplace harassment and disrespectful behaviour, when reported or discovered, shall lead to appropriate corrective and/or disciplinary action, as set out in the procedure which shall accompany this policy. The District shall ensure that an appropriate response is made in a timely manner to each alleged incident.

4.8 This policy is not intended to interfere with positive and appropriate social interaction that occurs in the workplace.

4.9 The Director of Education, or designate, shall, in consultation with the Joint Health and Safety Committee, develop and maintain written procedures to implement this policy. Such procedures shall:

a) include measures and procedures for workers to report incidents of workplace harassment, including measures for reporting to a person other than the supervisor where the supervisor is the alleged harasser;

b) set out how incidents or complaints of workplace harassment will be investigated and dealt with;

c) set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;

d) set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is an a worker, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

e) require that appropriate information and instruction be provided to workers on the contents of the policy and the procedures.

f) include monitoring and measuring processes to ensure the effectiveness of the respectful workplace policy and program in promoting and maintaining a respectful workplace.

## 5.0 REFERENCE DOCUMENTS

*Accepting Schools Act, Bill 13, 2012*
*Education Act*, 2000, Section 171 and Part XIII
*Human Rights Code of Ontario*
*Ministry of Education, Code of Conduct, 2000*
*The Teaching Profession Act*
Board Policy P.026.SCO: Student Suspension and Expulsion
Board Policy P.032.SCO: Safe Schools
Board Policy P.098.CUR: Equity and Inclusive Education
Board Policy P.103.HR: Alleged Employee Misconduct Towards a Student
Board Policy P.123.SCO: Bullying Prevention and Intervention
Board Policy P.132.HS: Violence in the Workplace
Board Procedure PR.515.SCO Student Suspension/Investigation/Possible Expulsion
Board Procedure PR.541.HS: Alleged Harassment of an Employee
Board Procedure PR.542.HR: Alleged Employee Misconduct toward a Student
Board Procedure PR.543.HR: Alleged Harassment of a Student
Board Procedure PR.652.HR: Respectful Workplace
Board Procedure PR.659.SCO: Bullying Prevention and Intervention
Board Procedure PR.680.HS: Violence in the Workplace

# Tab 5

[redacted]

RECEIVED NOV 0 3 2017

Dear Chair Seward

I would like to bring to the attention of the board what I believe to be a breach in the Board of Trustees' Code of Conduct as outlined in P.073.GOV, by Trustee Donna Blackburn. This breach was in the form of an email, on October 29, 2017 which was received by me, Trustee Erica Braunovan on October 29, 2017. I have attached the email to this letter.

I believe that following clauses in the "Civil Behaviour" section of the code have been breached; specifically sections 3.18, 3.19, 3.20, 3.21.

3.18 Board members shall, at all times, act with decorum and shall be respectful of other Board members, staff, students and the public.

3.19 All Board members shall endeavour to work with other Board members and staff of the Board in a spirit of respect, openness, courtesy, and co-operation.

3.20 All Board members shall have regard for, and model, the behavioral expectations referenced in Policy P.012.GOV, Board Governance, Policy P.125.SCO, School Board Code of Conduct, and Policy P.009.HR: Respectful Workplace (Harassment Prevention).

3.21 All members of the Board shall understand their responsibility for contributing to a respectful workplace, and make every reasonable effort to resolve issues arising as a result of friction, conflict or disagreement in a respectful and professional manner that contributes to a healthy and productive workplace.

I respectfully request that a formal process be initiated.

The email was copied to yourself, Shirley Seward at Shirley.seward@ocdsb.ca when it was originally sent.

Sincerely

Trustee Erica Braunvan

Attachment

OTTAWA-CARLETON DISTRICT SCHOOL BOARD

Erica Braunovan <erica.braunovan@ocdsb.ca>

## OCDSB first?

**Donna Blackburn** <donna.blackburn@ocdsb.ca>
To: Erica Braunovan <Erica.braunovan@ocdsb.ca>
Cc: Shirley Seward <Shirley.Seward@ocdsb.ca>

Sun, Oct 29, 2017 at 10:07 PM

Dear Erica

I have just been informed, as I predicted you have once again lost an NDP nomination. I trust now moving forward you will now put the interests of the OCDSB above that of your personal political goals. I have no doubt, given your arrogance you will run yet again for another nomination.

But for now the OCDSB is stuck with you and I suspect you are in line to remain in a leadership position.

I am very concerned that you were endorsed by [redacted] This is [redacted] who has a very bad reputation. Nobody wants to work with [redacted]. I did note [redacted] gave a speech referencing the "texts" I appreciate that you have and want to get as much mileage out of the "texts" as possible. Kudos to you for diverting the corruption that has gone on at SEAC. But you should know there is no Trustee on the Board who spends as much time being a Trustee than me. Like it or not I am the face of the OCDSB in the community. The truth is now coming out.

You have the potential to be a decent Trustee. This cannot be said for Chris and Shawn. Lost causes there. So moving forward I look forward to working with you in a positive way for the betterment of our students and staff.

Take Care
Donna

Sent from my BlackBerry 10 smartphone on the Rogers network.

# Tab 6

**Andrew Tremayne**

**From:** Erica Braunovan <erica.braunovan@ocdsb.ca>
**Sent:** Tuesday, November 21, 2017 10:24 AM
**To:** Andrew Tremayne
**Subject:** Fwd: OCDSB first?

Sent from my iPhone

Begin forwarded message:

**From:** Donna Blackburn <donna.blackburn@ocdsb.ca>
**Date:** October 30, 2017 at 9:17:39 AM EDT
**To:** Erica Braunovan <erica.braunovan@ocdsb.ca>
**Cc:** Shirley Seward <Shirley.Seward@ocdsb.ca>
**Subject: Re: OCDSB first?**

Dear Erica

I am not sure what e-mails you are referring to? I made a point of not communicating with you.

My concern is for the reputation of the Board. [redacted] is an unsavory character. I have brought this up in-camera.

In addition, I actually endorsed you in the last election. Obviously that will not happen again. I was very supportive of you when you joined the Board. So if you want to re-write history go for it.

As I said I look forward to working with you for our students and staff. However, I won't be bullied by you and others into silence. There remains a double standard on this Board as to what is acceptable behaviour. You have stood by and allowed this. Hopefully we can all get beyond this.

Take Care
Donna

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** Erica Braunovan
**Sent:** Monday, October 30, 2017 8:58 AM
**To:** Donna Blackburn
**Cc:** Shirley Seward; Chris Ellis - Trustee Zone 6 OCDSB; Lynn Scott; Jennifer Adams; Mark Fisher; Sandra Schwartz; Christine Boothby; Keith Penny; Shawn Menard; theresa.kavanagh@ocdsb.ca; Anita Olsen Harper
**Subject:** Re: OCDSB first?

Donna

Stop. Cease and Desist. I have ignored far to many of these mean-spirited email messages over the course of the last few months. Do not send any more non-essential messages that do not relate directly to the work of the board.

This and any further communication will be called out as harassment. I am so tired of attempts to bully me, and as such am copying the rest of the board and the director of education, to bare witness to the ongoing harassment I have felt since my first month on the OCDSB board.

Very sincerely
Erica

Erica Braunovan
OCDSB Trustee Zone 10
613-858-2275

On Sun, Oct 29, 2017 at 10:07 PM, Donna Blackburn <donna.blackburn@ocdsb.ca> wrote:

Dear Erica

I have just been informed, as I predicted you have once again lost an NDP nomination. I trust now moving forward you will now put the interests of the OCDSB above that of your personal political goals. I have no doubt, given your arrogance you will run yet again for another nomination.

But for now the OCDSB is stuck with you and I suspect you are in line to remain in a leadership position.

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You have the potential to be a decent Trustee. This cannot be said for Chris and Shawn. Lost causes there. So moving forward I look forward to working with you in a positive way for the betterment of our students and staff.

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Donna

Sent from my BlackBerry 10 smartphone on the Rogers network.