

**PRESENT:**

- Trustees:** Chair Jane Bryce, Vice-Chair Randy Campbell, Greg Agar, Janet Barnes, Ruth Ann Dodman, Dave Douglas, Jack Fletcher, Brittany Jenkins, Lareina Rising, Derek Robertson
- Staff:** Director of Education Jim Costello, Superintendent of Business Brian McKay, Superintendents of Education, Angie Barrese, Gary Girardi, Ben Hazzard, Mark Sherman and Public Relations Officer Heather Hughes
- Student Trustees:** Autumn Bressette, Lexi Graham and Rihana Kukkad
- Regrets:** Trustee Scott McKinlay and Superintendent Helen Lane
- Recording Secretary:** Trish Johnston, Executive Assistant and Communications Officer
- Call to Order:** Chair Bryce called the meeting to order at 7:00 p.m.  
Chair Bryce read the Traditional Territorial Acknowledgement.
- #2019-31  
Approval of the Agenda** Moved by Janet Barnes, seconded by Jack Fletcher,  
"That the Agenda for the Regular Board Meeting of February 26, 2019 be approved as amended with the removal of item 12.c) Ontario Public School Board's Association Report."  
**CARRIED.**
- Declaration of Conflict of Interest:** None
- #2019-32  
Approval of the Minutes  
January 15, 2019** Moved by Derek Robertson, seconded by Janet Barnes,  
"That the Board approve the Minutes of the Regular Board Meeting of January 15, 2019."  
**CARRIED.**
- Business Arising** None
- #2019-33  
Action of the Regular  
Board Private Session be  
the Action of the Board** Moved by Randy Campbell, seconded Greg Agar,  
"That the Action of the Board in Private Session be the Action of the Board."  
**CARRIED.**
- Presentation:  
Director of Education's  
Snap Shots of Excellence** Director Costello presented the Director's Snap Shots of Excellence which depicts exciting things happening in LKDSB schools across the district. Some of the items featured were Noelle's Gift Foundation donations, students applying math strategies in the classroom, Treaty Recognition Week activities, Remembrance Day celebrations, Take Our Kids to Work activities, Ontario Youth Apprenticeship Program (OYAP) Experience the Trade event, Bullying Awareness Week Activities, examples of students giving back to their communities, seasonal activities, science activities, staff professional development activities and a video of students and staff sharing their personal goals for the year.
- Questions from the Public** Michele Lalonge-Davey, CUPE President, commented on a discussion about possibly flying Pride flags at schools that took place during a recent LKDSB Collaborative Professionalism Meeting and questioned if the Board, like the Greater Essex County District School Board (GECDSB), would support flying the Pride flag at LKDSB schools for a week in June in support of the Ministry of Education's inclusiveness and wellness philosophy. Director Costello explained that the Collaborative Professionalism Committee is comprised of the members of Senior Administration and union presidents. They meet to discuss ways to

improve culture throughout the system and other topics. He confirmed that the GECD SB trustees passed a motion to have Pride flags flown at schools every year in June. Director Costello explained that at the LKDSB it has been a site-based school decision to fly the flag. John McGregor Secondary School flies the flag and the Principal discovered last year that federal protocol dictates that other flags cannot be flown on the same flag pole as the Canadian Flag. Most schools do not have more than one flag pole. Director Costello explained that he could provide the flags to schools and issue a memo to principals directing them to display the flag in a respectful manner that suits their school community. This could include hanging the flag inside the school.

Director Costello confirmed that the Board would need to approve revisions to the LKDSB regulation on Display of Flags, but a motion was not necessary for the Director to issue a memo to principals. The Director's memo would make displaying the flag mandatory. Student Trustee Graham commented on the flags being vandalized in other boards and suggested that the flags be displayed in secure places. Support for displaying the flag was expressed. Director Costello noted displaying the flag supports the Ministry's goal of improving student achievement and wellbeing.

#2019-34  
Director's Memo regarding  
Pride Flag

Moved by Derek Robertson, seconded by Jack Fletcher,

"That the Board support the Director issuing a Director's memorandum to direct schools to display the Pride flag for a week during the month of June."

CARRIED.

#2019-35  
Proposed Revision to  
Section 7.24 of the LKDSB  
Procedural By-laws  
Student Trustees  
Report B-19-13

Moved by Ruth Ann Dodman, seconded Derek Robertson,

"That the Board approve the revisions to Section 7.24 of the LKDSB Procedural By-Laws."

Director Costello advised that he served Notice of Motion regarding Section 7.24 of the LKDSB Procedural By-laws at the January 15, 2019 Board Meeting. He explained that in January 2018, Trustees approved the creation of the Indigenous Student Trustee position to represent all First Nation, Métis and Inuit Students across the district. The LKDSB policy and regulations on *Student Trustees* were revised to reflect this decision. The LKDSB Procedural By-Laws need to be revised to reflect this change as well. Director Costello outlined the need to change the number of Student Trustees elected from two to three and the need to include a clause about the Indigenous Student Trustee.

*The Board approves annually the appointment of three ~~two~~ Student Trustees from September 1 to August 31. One student will represent a public secondary school from Sarnia-Lambton, one will represent a public secondary school from Chatham-Kent and one will represent Indigenous students across the district. The Students will attend all public Board Meetings. The Student Trustees may participate in all Board deliberations and provide input except on matters involving individual staff or student issues or those which create a conflict of interest. Student Trustees may not vote on a motion or make a motion.*

Chair Bryce reminded Student Trustees that they cannot cast a binding vote, but they can ask for a Recorded Vote, and have their non-binding vote recorded in the Minutes.

Student Trustee Graham asked for a recorded vote.

Recorded Vote

Non-Binding Vote

Rihana Kukkadi Yes

Lexi Graham Yes  
Autumn Bresette Yes

Binding Vote

Brittany Jenkins Yes  
Randy Campbell Yes  
Derek Robertson Yes  
Jane Bryce Yes  
Ruth Ann Dodman Yes  
Lareina Rising Yes  
Jack Fletcher Yes  
Greg Agar Yes  
Dave Douglas Yes  
Janet Barnes Yes

CARRIED.

Appointment of the  
Student Trustees  
Report B-19-20

Director Costello advised that the Student Senate met at Wallaceburg District Secondary School on February 25, 2019 to elect the three Student Trustees to serve on the Board for the 2019/2020 school year. The election was conducted in accordance with the Board's Student Trustees and Student Senate policies, regulations and administrative procedures. Candidates for the Student Trustee position submitted application packages. Aurora Bresette, from Lambton Central Collegiate & Vocational Institute, was elected to the position of Indigenous Student Trustee. Byren Newcombe, from Chatham Kent Secondary School, and Simon Harris, from Northern Collegiate Institute & Vocational Institute, were elected to the position of Student Trustee.

#2019-36  
Election of Student  
Trustees for 2019/2020  
school year

Moved by Derek Robertson, seconded by Lareina Rising,

“That the Board approve the election of Aurora Bresette, Indigenous Student Trustee and, Byren Newcombe and Simon Harris, Student Trustees, for the 2019/2020 school year.”

CARRIED.

Policy and Regulations on  
Conflict of Interest –  
Employees, Volunteers  
and trustees  
Report B-19-21

Student Trustee Bresette confirmed that Aurora Bresette is her sister.

Director Costello explained that Bill 68, *Modernizing Ontario's Municipal Legislation Act*, includes new requirements concerning Conflict of Interest that are effective March 1, 2019. The *Municipal Conflict of Interest Act* applies to school board trustees and members of advisory committees and other committees established under the *Education Act*. The main purpose of the conflict of interest legislation is to protect the public and ensure that public officials do not benefit financially from their position of trust. Conflict of interest legislation is concerned only with pecuniary, or monetary, interests. The *Municipal Conflict of Interest Act* refers to three kinds of pecuniary interest: direct, indirect, and deemed. Director Costello provided examples. He confirmed that if there are any doubts about a possible conflict of interest, Trustees should seek legal advice.

Director Costello advised that as of March 1, 2019, Trustees are required to file a written signed statement of the conflict of interest and its general nature. He outlined the proposed policy change and the need for a new regulation. The policy has been revised to include Trustees. The regulation outlines the steps Trustees must follow regarding declaring a conflict of interest at a Board Meeting or a Board Committee Meeting. It follows the guidelines issued by the Ontario Public School Boards' Association (OPSBA). A form has been developed to streamline the process. School boards are required to establish and maintain a

registry of statements and declarations of interest. Administration will maintain the registry and make it available to the public upon request.

Director Costello advised that the LKDSB Procedural By-laws, section 11.3 needs to be revised to include a reference to the new regulation and that he would be serving a notice of motion at the end of the February 26, 2019 Board Meeting. He noted that employees and volunteers are covered by an existing Administrative Procedure.

Director Costello reviewed the content of the new regulation covering Trustees.

Moved by Randy Campbell, seconded by Brittany Jenkins,

#2019-37

Policy and Regulations on  
*Conflict of Interest - Trustees*

“That the Board approve the revised policy *on Conflict of Interest – Employees, Volunteers and Trustees* and new regulations on *Conflict Of Interest – Trustees.*”

Director Costello confirmed these are the only LKDSB policies or regulations in place regarding Trustees and conflict of interest. He clarified that a Trustee participating in discussions on contract negotiations that impact their child could be considered a conflict of interest because the Trustee could influence decisions that could benefit their child financially. He reiterated, that when in doubt, Trustees should obtain a legal opinion to make an informed decision.

CARRIED.

Special Education  
Advisory Committee  
Report  
Report B-19-14

Trustees Barnes presented the report from the January 17, 2019 Special Education Advisory Committee Meeting. SEAC members heard presentations on Fetal Alcohol Syndrome Disorder and Mental Health Supports for students with Special Education Needs. She commented on the support provided by the LKDSB Multi-disciplinary Team and referenced the classroom resources available to teachers to support student mental wellness in the classroom. She advised that SEAC had sent a letter to the Minister of Education regarding funding shortfalls for special education programs.

Indigenous Liaison  
Committee Report  
Report B-19-15

Trustee Rising reported on the Indigenous Liaison Committee (ILC) Meeting held on January 17, 2019 at Sir John Moore Community School. She shared information from the First Nation communities. Aamjiwnaang and the LKDSB Special Education Department held a successful professional development day. The Delaware Nation is in the process of recruiting a new Education Manager. Trustee Rising advised that the LKDSB Indigenous Lead, Minogizhgdad, shared information about the upcoming Youth Symposium and the steps taken by LKDSB Staff to explore the possibility of granting students credits for their involvement planning of the events. She explained that the Indigenous Graduation Coach Pilot Program is scheduled for second semester at Wallaceburg District Secondary School.

Parent Involvement  
Committee Report (PIC)

Director Costello reported on the Parent Involvement Committee Meeting held on February 4, 2019. He advised that Minogizhgdad, LKDSB Indigenous Lead, provided an overview on Truth and Reconciliation. He shared information about the upcoming Indigenous Youth Symposium and the fact that LKDSB staff are exploring the possibility of granting credits for the students to acknowledge their work on planning the event. PIC members provided input on the draft School Year Calendar for 2019/2020. They suggested that a PA Day be linked to a long weekend, like Thanksgiving. Director Costello outlined the PA Day requirements that limit flexibility on when they can be scheduled. PIC members had a presentation from Superintendent Hazzard on the new online Kindergarten registration process. PIC received a Ministry grant to promote parent engagement. They will be using the funds to offer two workshops - May 22 and

- May 23. They are exploring themes and speakers. PIC members provided some input to the Ministry as part of the Ministry's consultation process. They also provided input on the LKDSB Technology Enriched Learning Plan.
- Kindergarten Registration Enhancements 2019 Superintendent Hazzard provided an overview of the new online kindergarten registration process which works on phones and tablets as well as computers. The online process allows staff to spend more time welcoming families into the schools, building positive relationships and less time filling out paperwork at the school. School staff can print off the information once the family arrives at the school. Superintendent Hazzard provided an online demonstration. Public Relations Officer Hughes outlined the communication plan. Information was shared in newsletters, on social media, radio, and online video. Facebook, Google and YouTube ads were utilized this year as well. She shared data on views and impressions. Print material was provided in community libraries and arenas. She advised that within 24 hours of launching the online registration process approximately 100 families had used the service. Now, at the end of registration period, 661 individuals have participated in the online registration. Superintendent Hazzard confirmed that normally, about 1400 students are registered for JK. He commented that Administration is looking to expand the online registration process for all grades. Director Costello noted that this is another example of the LKDSB Belief Statement, regarding continuous improvement and innovation.
- Financial Report 2018/2019 School Year Expenditures to November 30, 2018 Report B-19-18 Superintendent McKay presented the financial expenditures for the first quarter, September 1 to November 30, 2018. This period represents about 25% of operating expenses that occur over the school year and approximately 30 - 35% of the salary and benefit portion of the instructional operating expenses that occur over a 10 to 12-month period. He stated that overall for this reporting period, the expenditure categories are tracking well against the budget with any identified variances due to timing differences in spending.
- Notice of Motion Director Costello served Notice of Motion to revise the following sections of the LKDSB Procedural By-laws:
- Section 1
- 1.11 The Board's First Nation Partners, ~~through the Indigenous Liaison Committee~~, shall appoint the First Nation Trustee to serve on the Lambton Kent District School Board for a four-year term consistent with the term of the elected Trustees.
- 1.12 The Board's First Nation Partners, ~~through the Indigenous Liaison Committee~~, shall appoint a First Nation Trustee Alternate who may sit at the Board Table in the absence of the First Nation Trustee during public meetings with voting rights. ~~In the absence of the First Nation Trustee, the First Nation Trustee Alternate will be invited to attend private meetings when the matter discussed involves First Nation Students.~~ The Alternate's term will be consistent with the term of the First Nation Trustee.
- Section 11
- School Board Member (Trustee) Code of Conduct For The Lambton Kent District School Board including Conflict of Interest 11.3
- 11.1 A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries

and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

- 11.2 This Code of Conduct and the Enforcement Procedures apply to all Trustees of the Board, **including the Chair and Vice-Chair of the Board and Student Trustees**. Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board. Trustees of the Board 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. Trustees, as leaders of the Board, must uphold the dignity of the office and conduct themselves in a professional manner, especially when attending Board events, or while on Board property. Trustees shall ensure that their comments are issue-based and not personal, demeaning or disparaging with regard to Board staff or fellow Board members. Trustees shall endeavour to participate in trustee development opportunities to enhance their ability to fulfill their obligations.
- 11.3 No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing his or her duties to the Board. However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event as per Lambton Kent District School Board Hospitality policy and regulation R-BU-521. 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. **Trustees are required to declare a conflict of interest at Board Meetings or Board Committee Meetings as per the Lambton Kent District School Board regulation on Conflict of Interest for Trustees, R-OP-446.** No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.
- 11.4 A Trustee of the Board shall discharge his or her 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. Every Trustee of the Board shall uphold the letter and spirit of this Code of Conduct. Every Trustee shall respect and understand the roles and duties of the individual Trustees, Board of Trustees, the Director of Education and the Chair of the Board.
- 11.5 No Trustee shall engage in conduct during meetings of the Board or committees of the Board, and at all other times that would discredit or compromise the integrity of the Board. A Trustee of the Board shall not advance allegations of misconduct and/or a breach of this Code of Conduct that are trivial, frivolous, vexatious, made in bad faith or vindictive in nature against another Trustee of the Board. When expressing individual views, Trustees shall respect the differing points of view of other Trustees on the Board, staff, students and the public. Trustees shall at all times act with decorum and shall be respectful of other Trustees of the Board, staff, students and the public.

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

- 11.6 Every Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.

No Trustee shall use confidential information for either personal gain or to the detriment of the Board. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of their position, except when required by law or authorize by the Board to do so.

- 11.7 All Trustees of the Board 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 proper motion for reconsideration or rescission, if permitted by the Board's Rules of Order, can be brought by a Trustee.

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.

Each Trustee shall comply with Board policies, procedures, By-Laws, and Rules of Order.

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.

## Section 12

### Enforcement Of The Code Of Conduct

- 12.1 A Trustee who has reasonable grounds to believe that a Trustee of the Board has breached the Board's Code of Conduct may bring the alleged breach to the attention of the Board. This is done through the Chair of the Board. Any allegation of a breach of Code must be brought to the attention of the Chair of the Board no later than six (6) weeks after the breach comes to the knowledge of the Trustee reporting the breach. Notwithstanding the foregoing, in no circumstances shall an inquiry into a breach of the Code be undertaken after the expiration of the six (6) months from the time the contravention is alleged to have occurred.

Any allegation of break of the Code of Conduct shall be investigated following the Informal or Formal Complaint Procedure below, as the case may be.

It is expected that whenever possible, allegations of a break 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 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 their obligations under the Code. Only serious and/or reoccurring breaches of the Code by a Trustee should be investigated following the Formal Complaint Procedure.

- 12.2 The Code of Conduct applies equally to 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 the Vice-Chair of the Board. Each year two alternate Trustees shall be chosen by the Board to be used when the circumstance 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 and Enforcement. In no circumstance shall the Trustee who brought the complaint of a breach of the Code of Conduct be involved in conducting any Formal Inquiry into the complaint.

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.

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

The Chair of the Board or Presiding Officer shall follow the special rules of order of the Board and/or the adopted Rules of Order and meeting procedures contained in any Policy or By-Law of the Board. 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.

- 12.3 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 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 breach. 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. The Informal Complaint Procedure is conducted in private.

The remedial measures may include, for example, a warning, an apology, and/or the requirement of the Trustee to engage in the successful completion of professional development training such as that offered by

the Ontario Education Services Corporation *Professional Development Program for School Board Trustees*. If the Chair of the Board 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 below.

- 12.4 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: (i) the name of the Trustee who is alleged to have breached the Code; (ii) the alleged breach or breaches of the Code; (iii) information as to when the breach came to the Trustee's attention; (iv) the grounds for the belief by the Trustee that a breach of the Code has occurred; and (v) the names and contact information of any witnesses to the breach or any other persons who have relevant information regarding the alleged breach. 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.

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. 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.

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.

- 12.5 If the Chair and Vice-Chair of the Board are of the opinion that the 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 formal inquiry shall not be conducted and~~ **they shall prepare a confidential report to all Trustees of the Board stating their opinion and rationale for it. reasons for not doing so shall be provided to all Trustees of the Board. The Trustee who is alleged to have breached the Code of Conduct shall not vote on the resolution. If the opinion is adopted by the Board of Trustees a formal inquiry shall not be conducted.**

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

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

- 12.6 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 Vice-Chair of the Board, if appropriate, or any two of the Chair, Vice-Chair and the alternate Trustees, or an outside consultant chosen by the Chair and Vice-Chair.

Regardless of who undertakes the formal inquiry the following steps shall be followed.

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.

Procedural fairness ~~and the rules of natural justice~~ shall govern the formal inquiry. The formal inquiry will be conducted in private.

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.

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. It is expected that the formal inquiry will be conducted within ~~a reasonable period of time which will depend on the circumstances of the case.~~ **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 to 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 the time as the investigators deem appropriate in the circumstance.

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.

~~Once the formal inquiry 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 ten (10) days (or such reasonable period of time as deemed appropriate by the investigators) from the receipt of the draft report to provide a written response.~~

The final report shall outline the finding of facts, ~~but not contain~~ **and 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.~~ 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.

- 12.7 If the investigators, when conducting the formal inquiry, 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 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.
- 12.8 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 receipt of the final report by the Board.

Trustees shall consider only the findings in the final report when voting on the decision and sanction. No Trustee shall undertake their own investigation of the matter.

If the Board of Trustees 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.

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.

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.

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. The Trustee who brought the complaint to the attention of the Board may vote on those resolutions.

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.

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 of breach or sanction.

## 12.9 Sanctions

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.

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.

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.

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.

- 12.10 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.

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

If the Board confirms a determination, the Board shall, within the fourteen (14) days above, confirm, vary or revoke the sanction.

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.

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.

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.

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

## Section 13

### Acknowledgement And Undertaking

- 13.1 Each Trustee will sign and confirm that they have read, understand and agree to abide by the Board's Code of Conduct and the Enforcement Procedures for the duration of their current elected term of office.

Announcements

The next Regular Board Meeting will be held on Tuesday, March 26, 2019, 7:00 p.m. at the Sarnia Education Centre. There will be a Trustee workshop on Indigenous Education prior to the next Board Meeting. The Communications Workshop has been rescheduled to April 9, 2019.

The Open House for the John N. Given Learning Centre has been moved from March 1 to March 22, 2019.

Adjournment:  
8:35 p.m.

There being no further business of the Board, Chair Bryce declared the Meeting adjourned at 8:35 p.m.

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Chair of the Board

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Director of Education and  
Secretary of the Board