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June 8, 2010

Chairs of District School Boards
Presidents of School Board Trustee Associations

Re: Regulations on Codes of Conduct for School Board Members

Dear Colleagues,

Higher levels of student achievement are this government's top priority in education and all partners in the education sector have a role to play. Good governance by our trustees and directors of education is necessary to enhance student achievement and well-being, close gaps in student achievement and maintain confidence in the province's publicly funded education system.

Our government's approach to publicly funded education has been and will always be one of respect, collaboration and consultation with our education partners. Consistent with this approach, I am seeking your input into provincial provisions for trustee codes of conduct, which will be put into place by regulation.

The Governance Review Committee (GRC) recommended trustee codes of conduct as effective governance tools for the education sector and noted, in fact, that many school boards already have a code of conduct in place. The regulation would consolidate this practice across the province. Every board will be required to adopt a code of conduct which, as recommended by the GRC, will include minimum provincial provisions. Boards will be able to add provisions to their code of conduct to address local concerns and reflect the mandate and vision of their board.

Approximately half of school boards have a trustee code of conduct or "code of ethics." There are certain principles that are widely reflected in these policies. The enclosed consultation paper identifies these commonly held principles and related standards of behaviour, any or all of which could form the provincial provisions for every code of conduct.

The consultation paper was reviewed at a meeting of the Partnership Table on April 29, 2010. There was a very fulsome discussion and I am grateful to the members of the Partnership Table for their constructive comments, which have been incorporated in the final document.

Student trustees have asked whether the code of conduct for school board members will apply to them. By virtue of section 55 of the *Education Act*, student trustees are not members of the board. While the regulation will not apply to them, it is expected that student trustees will respect the provisions in their board's trustee code of conduct.

As the GRC stated, code of conduct policies are “useful and effective mechanisms for setting the parameters of acceptable behaviour in meetings and on board-related business. Effectively used, they can also serve to encourage respect for divergent views and dissenting voices, which must be distinguished from obstructive and inappropriate behaviour.” I agree that a code of conduct should strive to promote these goals.

One of our great successes as a government has been to rebuild positive relationships with the education sector and bring peace and stability to our schools. Everyone in the education sector needs to be working together in order for our students to reach their full potential.

I look forward to hearing your views.

Sincerely,

A handwritten signature in blue ink that reads "Leona Dombrowsky". The signature is fluid and cursive, with the first name "Leona" and last name "Dombrowsky" clearly legible.

Leona Dombrowsky
Minister of Education

School Board Members Code of Conduct Consultation Paper

Introduction

In its report, *School Board Governance – A Focus on Achievement*, the Governance Review Committee (GRC) underscored the importance of effective governance tools, including a code of conduct for school board members that is enforceable at the board level.

While the vast majority of trustees work hard to promote student achievement, inappropriate behaviour by a few can undermine the efforts of the majority, divert media attention away from board achievements and undermine confidence in publicly funded education.

As a result of Bill 177, the *Student Achievement and School Board Governance Act, 2009*, boards may now enforce their code of conduct using the enforcement provisions that are now in section 218.3 of the *Education Act*. Under these provisions, a board must inquire into any reasonable allegation of a code of conduct violation brought to the board's attention by a board member. If the board determines that there was a breach, it may impose any of the sanctions specified in the Act. These enforcement provisions came into effect on December 15, 2009 and apply to boards that have a code of conduct.

Bill 177 further amended the *Education Act* to provide the Minister authority to make regulations to (i) require a board to have a trustee code of conduct and (ii) include provincial provisions in those codes of conduct.

The provincial provisions will be minimum requirements for every trustee code of conduct. In addition to provincial provisions, school boards may add their own local provisions. These two combined form the board's trustee code of conduct.

This consultation document benefits from a discussion of trustee codes of conduct by members of the Partnership Table, at their last meeting on April 29, 2010.

Approximately half of Ontario boards already have a trustee code of conduct or "code of ethics" in place. The regulation will consolidate this practice and, by putting in place minimum provincial provisions, will ensure the level of consistency across the province that was recommended by the GRC.

Proposed Provincial Provisions for Trustee Codes of Conduct

The following six principles are commonly found in trustee codes of conduct. The GRC noted they could be used to develop provincial standards. Each principle is followed by examples of related trustee responsibilities which could form the provincial provisions for trustee codes of conduct.

i. Integrity and dignity of office

- discharge one's duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the board;
- 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.

ii. Avoidance of personal advantage and conflict of interest

- refrain from accepting 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 member when performing his or her duties to the board;
- refrain from using the office to advance the member's interests or the interests of any family member or person or organization with whom or with which the member is associated;
- refrain from using the office to obtain employment with the board for the member or a family member.

iii. Compliance with legislation

- discharge duties in accordance with the *Education Act* and comply with the *Municipal Conflict of Interest Act*;
- uphold the letter and spirit of the code of conduct.

iv. Civil behaviour

- refrain from engaging in conduct during meetings of the board and at all other times that would discredit or compromise the integrity of the board;
- refrain from advancing allegations of misconduct that are frivolous, vexatious or vindictive in nature against another member of the board.

v. Respect for confidentiality

- keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public, unless required to divulge such information by law;
- refrain from using confidential information for either personal gain or to the detriment of the board.

vi. Upholding decisions

- accept that authority rests with the board and that a trustee has no individual authority other than that delegated by the board;
- uphold the implementation of any board resolution after it is passed by the board;
- comply with board policies and procedures;
- refrain from speaking on behalf of the board unless authorized to do so.

Questions for Discussion

1. Do you agree that these provisions should be included in a code of conduct for school board members?
2. Should any of these be removed from consideration?
3. Are there others that should be added to this list?

Conclusion

The government values the input it receives from our education partners and trusts this consultation will result in meaningful and effective codes of conduct to help boards meet their goals for student achievement and well-being and inspire confidence in our public education system.

You are invited to submit your responses to the Ministry of Education by Wednesday June 30, 2010, either electronically to Margot.Trevelyan@ontario.ca or by mail to the following address:

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