



Fw: OPSBA's Updated Template re: Board Member (Trustee) for Code of Conduct Enforcement Procedure

From Ali CHAHBAR <a.chahbar@tvdsb.ca>

Date Tue 2024-12-17 6:06 PM

To Steve HICKSON <steven.hickson@tvdsb.ca>; Shannon SMITH <shannon.smith@tvdsb.ca>

2 attachments (466 KB)

Integrity Commissioners Overview - Dec 17.pdf; OPSBA Code of Conduct Enforcement Procedure Dec 17.pdf;

Please see Trustee Morrell's email below. Could you kindly have it reflected for January Board governance meeting agenda.

Thank you,

Ali

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From: Arlene MORELL <a.morell@tvdsb.ca>

Sent: Tuesday, December 17, 2024 3:27:05 PM

To: Board Chair <boardchair@tvdsb.ca>; Ali CHAHBAR <a.chahbar@tvdsb.ca>

Subject: Fw: OPSBA's Updated Template re: Board Member (Trustee) for Code of Conduct Enforcement Procedure

Good afternoon

Please find attached the updated OPSBA Code of Conduct Enforcement Template- aligned with the Ed. Act and relevant regulatory changes, and also attached is information about IC's prepared by OPSBA. Note: there is additional relevant information in the email below.

As the TVDSB Code of Conduct was committed to the Bylaw Review and Governance Committee, as a member of the committee, I am requesting this matter (and materials) be included with the January meeting agenda along with the OPSBA Code of Conduct Template(updated).

Arlene Morell

From: Jennifer McIntyre <JMcIntyre@opsba.org>

Sent: December 17, 2024 2:37 PM

To: Jennifer McIntyre <JMcIntyre@opsba.org>

Subject: OPSBA's Updated Template re: Board Member (Trustee) for Code of Conduct Enforcement Procedure

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To: All Trustees, Directors of Education, Senior HR and Finance Officials and Communications Officers

Please find attached OPBSA's **updated** Template for the Trustee Code of Conduct Enforcement Process ("Enforcement Process"). This is to be used with the updated OPSBA template Board Member (Trustee) Code of Conduct ("Code of Conduct") that was distributed in early August. It is our continued recommendation that the Code and Enforcement pieces be kept together for consistency and completeness.

The Enforcement Process was prepared by legal counsel and includes the requirements found in Ontario Regulation 306/94 Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct and section 218.3 Enforcement of Code in the *Education Act*.

Similar to the Code of Conduct document, this Enforcement Process template is intended to be a guide for school boards and can be modified to address local concerns, as long as the changes do not conflict with the required provisions that come into force on January 1, 2025.

If a complaint of a breach of the Code of Conduct is brought on or before December 31, 2024, then the enforcement process as set out in a Board's *current* code of conduct enforcement process and the *Education Act* is to be followed until the investigation and decisions are completed. The new process takes effect January 1, 2025, for all new complaints made as of that date.

Notes:

- Section 218.3 of the *Education Act* provides that only a member of the board may bring a complaint of a breach of the code to the attention of the board. It does not provide that members of the public may bring forward a code breach.
- While we have suggested boards consider having their student trustees abide by their board's code of conduct, this enforcement process *does not* apply to student trustees and boards should consider a process and sanction appropriate for a student trustee.
- OPSBA continues to recommend the use of an informal complaint procedure for addressing alleged breaches and that a formal complaint procedure be used for egregious and repetitive behaviours that disrupt the board's ability to uphold good governance and conduct its business.
- It is important to note that ICs *may* define the scope of the investigation. Boards should work collaboratively with the IC to ensure this is understood.
- The *Act* now requires that boards pay *all* fees charged by an integrity commissioner.

Next Steps:

- Please ensure you have registered for [OPSBA's Public Education Symposium](#) in January 2025. Sessions include a fireside chat about "Good Governance" between new ADM Giselle Basanta and our OPSBA Executive Director, and a session led by legal counsel Sheila MacKinnon about the new requirements for Trustee Code of Conduct and Enforcement Procedure.
- In addition to these offerings at PES, OPSBA is providing Chairs and Vice Chairs a virtual professional learning opportunity in January 2025 to support and share information about the new requirements set out in recent regulations.

Other useful links to consider:

- [OPSBA-Updated-Template-Board-Members-Code-of-Conduct - August 8 2024](#)
- [Ontario Regulation 306/94 Integrity Commissioners and Process for Alleged Breaches of the Code of Conduct](#)
- [Ontario Regulation 357/06: Limits On Honoraria For Members](#)
- [Education Act Section 218.3](#)

Jennifer McIntyre

Director of Policy

416-340-2540



Ontario Public School
Boards' Association

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